ORIGINAL

EXHIBIT A 1

GREGORY L. BROWN

Petilioner

vs.

WARDEN; SATE-CORCORAN PRISON

PETITION FOR WRIT OF HABEAS CORPUS

o. ____5

(To be supplied by the Clerk of the Court)

Evidentiary HEARING REQUISTED

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- · Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and
 correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction
 for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies.
 Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy
 of any supporting documents.
- If you are filing this pelition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- · Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See
 Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page one of six

American LegalNet, Inc. www.USCourtForms.com

Respondent

This petition concerns:	
A conviction Parole	
A sentence Credits	
Jail or prison conditions Prison discipline	
Other (specify):	·
1. Your name: GREGORY L. BROWN	_
2. Where are you incarcerated? SATE - CORCORAN' SHALE PRISON	
3. Why are you in custody? X Criminal Conviction Civil Commitment	
Answer subdivisions a, through i, to the best of your ability.	
 State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery use of a deadly weapon"). 	with
COUNT I, CONSPIRACY TO Commit Murdon	
Count II, Attempted Murder	
b. Penal or other code sections: Count I 182.1, 187; Count I 664/187	
c. Name and location of sentencing or committing court: SunEDICK Caret of the City and Corn	ty
of SAN FRANCISCU, HALL of Justice, 830 Boyant St., S.F., CA 941	,
d. Case number: No. 159271	_
e Date convicted or committed: MAY 25, 1995	
f. Date sentenced: Ochcher 12, 1995	
g. Length of sentence: 56 Verines to Life	
h. When do you expect to be released? Invitedirately again granting of this hatens	
i. Were you represented by counsel in the trial court? Yes. No. If yes, state the attorney's name and address	s:
Stephen AKIAN; P.O. Box 668; Kentfield, CA 94914	
What was the LAST pica you entered? (check one)	
Not guilty Guilty Nolo Contendere Other:	
If you pleaded not guilty, what kind of trial did you have?	
Jury Judge without a jury Submitted on transcript Awaiting trial	

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6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (if you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

Constitution, was violated as a result of his conviction on less than preof beyond a reasonable doubt of every closest of the Charged crimes.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See In re Swain (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

No Rational trick of facts could have found the essential
elevents of the curies charged against Greek, beyond a reasonable doubt.

On March 17,1995, Resecutor Floyd Andrews filed his Information
80 this case. Court I of the Information accused Greek of
curspiracy to commit murder (CT 1.) and Court II accused him
of Atlempted murder (CT 4.). The Information alleged that the
Atlempted murder was willful, deliberate, and premeditated. (CT
5.) As to the Atlempted murder count, the Information also
Alleged that Greek personally sufficient great bodily injury upon
Robin "Williams." (CT 5.) The Information set out 14 overt
acts 90 support of the conspiracy accusation, maning Greek in
only four overt acts (Nos. 2,4,5 and 6.). (CT 1-4) Overt Act
No. 2 accused (SEE Continuation, Additional Proje.)

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

IN RE Winship, 397 U.S. 358 (1970); Leavill V. VASQUEZ, 875 F. 2d 260 (1989) (9th C.R.);

Continuation Of Geound I; Page #2

GREG of taking A photo And gaving it to WANDA "FARN"; No. 4 Accused Geor of Accompanying FAIN to deliver A 3 Note; No. 5 Accused GREG of ENCONEAGING FAIN And 4 Joseph "Diggs" to mueder Robin Williams; And No. 6 Accused 5 GREG And FAIN of RESIDING At 126 Blythdale. Overt Act 6 Nos. 2 And 4 ARE morningless IN the context of the 1 CONSPIRACY Charge because there was NO EVICLENCE of my AGREENMENT, between GREW And ANOTHER OR OTHERS to commit murder. But, more importantly, those two "Acts" do not meet the legal Requirement of AN "Overt Act." The jury made A determination that Great 12 ENROURAGED FAIN And Diggs to murder Robin Williams (Verdict, Overet Act No. 5), but there is Not a sheed of Admissible evidence presented At trial from which this conclusion could logically be renched. And there was NO finding of overet met No. 6. (Verdict, Overt Aut No. 6.) Three was no sufficient evidence of an overet set Supporting the charge of conspiracy to commit murder. The CRIME of CONSPIRACY 45 defined IN the California Penal Code (Sec. 182, subd. (a)(1), 184) AS two OR MARE PERSONS conspiring to commit my crime, together with proof of the commission of an overet act by one or more of the parties to such agreement in further ance thereof. Conspiracy is a specific intent crime. The specific intent required divides logically into two elements 26 (a) the intent to AGREE, OR CONSPIRE, And (b) the intent

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Continuation of "Ground I"; Page #3

to commit the offense which is the object of the conspicacy. To sustain a conviction for conspiracy to commit murder, the prosecution must show not only that the conspirators intended to agree but also that they intended to kill the victim.

The evidence subsoduced at trial, as it pertagns to GREG MAY be summarized as follows:

1) He was aftersted on January 6, 1995, at 126 Blythdale, while in possession of a handgun and CRACK COCAINE. Robin Williams made a statement to police incliminating bres.

12 2.) He was present when a purportedly threatening
13 Note; written by co-defendant Wash Fain, on paper from
14 A Notebook belonging to Fain, was delivered to Williams.
15 The Note Came with a photograph of her taken by GREG
16 Five YEARS before.

3.) GREG And Williams met, and GREG AGREED to
provide Williams unspecified Remuneration if she would
provide Williams unspecified Remuneration if she would
preferant from testifying Against him at an upcoming
poeliminapy hearing. The two resumed their previously
friendly relationship.

4) GREG WAS PRESENT AT 126 BATADALE ON FEBRUARY 7, UNTIL About 4:00 to 6:30 P.M. HATEVENING. Williams, FAIN AND DIGGS LEFT to take the bus About 7:30 P.M.

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Continuation of Ground 1"; Proje#4

FIRST, the JANUARY 6, ARREST COULD ONLY be considered on the yesue of Gree's motive to commit the caines Alleged. (RT 347-348; 1213-1215.) Clerely, "motive" is Not AN 4 ESSENTIAL Element of either crime charged. Indeed, 5 motive is different from whent (I Within, California 6 (Priminal Law (2 dition 1988), Sec. 100, p. 118), And 7 does not establish intent.

Second, the Alleged thantering Note WAS WRITTEN by FAIN ON her paper. (RT 727-729, 925.) It was delivered 10 About three weeks before the February 7, 1993 shooting of 11 Williams. A reasonable trier of facts could inter that GREG WAS ASSOCIATED with the Note, but it is not ROMSONALLE to SINTERPRET the Note AS EVIDENCING AN AGREMENT 14 LE TWEEN FAIN AND GREES to commit any CRIME, let Alone AN 15 AGREEMENT to kill Williams. Furthermore, About a work And A half After Williams received the Note, or About two weeks before February 7, 1995, Williams And GREG, REcordied (RT 520, 545-546, 557.) From that time focured, up to and including Foberary 7, 1995, Williams visited with GREG EVERY day or EVERY other day. There is NO EVICENCE to suggest that these Approximately seven to fourteen visits were Anything but theorety. Indeed, Williams testified that Grees specifically indicated to her that he had NO ENTERHION to heret her. (RT 557.) Third, given the evidence that Gas either lived At

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126 Blythdale OR WAS HERE Often And Williams CONSIDERED

Continuation of Ground 1"; Page #5

him her friend, Nothing CAN he Inferred from GRER'S

presence At or Absence from 124 Blytholde on the day

Williams was shot. Williams' trial testimony MARIED As to

when Green left on that day. (RT 547-530.) She also

testified that she did not remember when he left. (RT 551
testified that she did not remember when he left. (RT 551
she testified that he left energy, Around 4:00 P.M.

(RT 547-549, 551.)

Newhere is the record is there my evidence from which a Restional inference may be made that Give agreed with Myone to take Rolin Williams life; or to do her my hirm at all. There is no evidence which even expuebly shows that Give had an intent to kill Williams. There is the evidence linking Give to my weapon resociated with the shooting of Williams. There is no other physical wildered linking Gives to the shooting of Williams. There is no evidence of my discussions among Gives, Fain, and Diggs regarding killing Williams. There is no evidence in that any convection to the tap that Fain, Diggs, and williams took to Third Steet. And there is withing in the Statements that Third Steet. And there is withing in the Statements that Third Steet. And there is withing that convected Gives to the shooting of Williams:

The fact that GREG knew FAIN and pexhaps Diggs is not sufficient. More association is not enough to establish the essential elements of either crime Alleged.

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Continuation Of "Grand I"; Page #6

As shown where, there is no evidence to supposed the essential elements of the Crime of Conspicacy to commit muches.

Even less evidence exists with respect to the finding of the crime of Attempted murder of Robin Williams. Where, As here, the prosecution has charge the Attempt to be "willful, deliberate, and premeditated," it must publice evidence from which it may be retionally inferred that, ". . . the would-be slayer (weighed and existered) the question of killing and the reason for and against such choice and, having in mind the consequences, decides to kill another human being." CALTIC 8.67.

No such evidence exists in the record. Nor is there any evidence of the specific intent element record to satisfy the attempted murder requirement. Such intent must be shown at the time of the overt met by which the Attempt is manifested; And it cannot be inferred from the commission of another crime.

Another essential element of the varine of Attempt is the requirement of a direct but ineffectual act done toward the commission of the met alleged. The act must be overt and unequivocal; it must constitute the beginning of the consummation of the Attempted crime. Preparation Alone is not sufficient.

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Continuation Of "Ground I"; Page #7

Just As there is NO evidence to suppose the elements of GREER'S conspiracy to commit mucher conviction of Robin Williams, there is no evidence to support the Elements of his Attempted murder conviction of her. There is no evidence to support A finding that GREG had A specific guteret to kill Williams. There is NO EVIDENCE that GREG Attempted is direct best ENEFFECTUAL Act of killing williams. There is NO EVIDENCE that GREG participated in the shooting of williams, directly or Yndirectly. There is no evidence that GREG Aided and Abetted AN Attempt to kill Williams. There is NO WEADON OR physical Evidence linking GREG to the shooting of Williams, There is no evidence that Grew ever suspected that FAIN, Diggs OR ANYONE Else had ANY CRIMINAL RITERAL TOWNERS Williams, And CERTAINLY NO evidence that he shared in any criminal intent toward has FURTHERMORE; just AS the Note CANNOT Support the CONSPIRACY CONVICTION, It CANNOT Supposed the Attempted murder conviction. Gree's presence when FAIN delivered the Note CANNOT be INTERPRETED AS providing ENCOURAGEMENT to FAIN, Diggs, OR ANYONE Else to shoot Williams three weeks later; And the RECONCILIATION between williams And GREG ART PRECONCILABLE with A finding that GOEG Advised OR ENCOURINGED the Attempted murder of Williams. Williams AND TAIN RECOVERED Also. (RT 546-556.) Even putting Aside the RECONCILIATION

Confirmation of "Great I"; Page #8

of Williams with FAM And EREG, the Altergreed murder of williams was not a reasonably foresexable consequence of GREGIN Standing on a popul while FAM delivered a note and photograph to Williams.

Nonetheless, motive caused suggly the specific intent Elements of Attempted murder. Not can association establish Either the requisite exconfigurent or whent to kill.

Much can Gree's trief presence at 196 Blythdale on the day of the shorting establish either the requisite encurrement or antent to kill, proticularly, in light of the evidence that he either frequent or lived there.

A microscopic examination of the trial transcript fails to reveal any Evidence from which a consumble person could make a rational sufference establishing any of the elements of conspicing to commit muches and Attempted muches.

GRES'S CONVICTIONS for conspiring to convit mucher And Allempted murder based on Absent Andfor less than proof beyond A reasonable doubt of every element of the Acoustil crimes violated his right to A fair toial and due process under the Fifth mid Fourteenth Amendments of the United States Constitution.

Based on the above, the court must grant habens
pelief to Gles. And enter A judgment of Acquital.
Acquital is required because, At the close of the
prosecution's case-in-chief, the trial court supreperty

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Continuation Of "Ground I"; Page #9

devied GREG'S (Alifornia Penal Code sec. 1118.) motion for judgment of requital. (CT 48,55; RT 1031-1037.)
REVERSAL Alone is not mi relegante remedy because a retain!
could then result, which would violate the state and federal constitutional prohibitions against double jeopardy.

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Ground 2 or Ground 2 (if applicable): "GROUN' 2"; Page # 1
Crea's right to a FAIR TRIAL And Due PROCESS, AS GUARANTEED under the
Fifth and Fourteenth Amendments of the United States Constitution, was violated
when the presecutor maliciously and Extentionally Entroduced false and
insupported and descriptful material statements at trial.

a. Supporting facts:

It was prosecutorial misconduct and malicious

Supporting cases, rules, or other authority:

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Continuation Of "Grand 3"; Page 2

they did it. " (RT 1350) The tent RECORD 95 devoid of any evidence to supposed any of those Accusations. The was no evidence sutroduced at trial that showed FAIN whote the Note "for GREGORY Brown." There was NO EVIDENCE ENTRODUCED AT TRIAL THAT ShowEd GREE had Any connection to the trip that FAIN, Diggs And Williams took to Jerrold AVENUE. TheRE WAS NO EVIDENCE 8 Whoduced At trial from which a rational inference may be made that GREG Agreed with FAIN, Diggs OR ANYONE Else to take Pobin Williams life, or to do her my hand At All. And Nowhere IN the trial record is there my Evidence As to who Actually shot Williams. As demonstrated Above, not only did Andrews failed to limit the scope of his closing ARGUMENTS to the evidence presented at third but he also deliberately and consciously introduced numerous false And unsupported material statements which rested Exclusively on the issue of quilt. Additionally, Andrews' Exportations of the jury to being in a "guilty" verdict, by my nems other than the evidence, "Because they did it " Amount to malicious prosecution and SEVERAL POSTANCES of prosecutorial miscorduct because: (1) it was contrary to the evidence presented at trial; (2) it was AN injection of his personal opinion or belief; (3) it influenced and inflamed the jury's prejudices 26 Against GREG; (4) it ENCOURAGED the jury to

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Continuation of "Ground 2"; Page #3

dispegned the court's posteriction's concerning impoence

2 And quilt; And (5) it diverted the jury's Attention from

3 its duty to decide the CASE ON the merit of the evidence

4 presented At trial.

But, just as equally prejudicial, it wegated the fact that other people could have been responsible for the shooting of Robin Williams. On oxoss-Examination, & Williams was questioned about various persons who might 9 bonk ill will towards hor. In January 1994, just 17 10 YEAR PRIOR to hER Shooting, Robin Williams was consisted of A RESIDENTIAL burglary, and Maned three black males 12 Who were Also involved. (RT 573, 587-588, 641.) After that bigglary, Corky, the boyfriend of the woman 14 whose house she had burglarized, bent her up. (RT 583.) 15 Williams had Also Execusted day debts to the past. 16 (AT 576, 580.) However, she desied having my drug 17 debts on February 7, 1995, And did Not semember ever 18 being threntened by drug dealers to whom she owed 19 money. (RT 576, 580, 582.) She said that she know-Truin Berry At Sunsydale, but did not remember him hitting her with A gun because of some debts she owed 22 him. (RT 582) She specifically devied owing ANY movey to a man Named "Tails" from the Survey date AREA, 24 And SAID that She did Not Remember him coming up to 25 her the night before February 7, 1995 And pointing A 26 GUN At her. (RT 581-582) HOWEVER, DEFNIE HOWES

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Continuation of "Gaund 2"; Page #4

testified that she was talking on the telephone with a fewered at her home in the survey dale Prejects on the Afternoon of February 6, 1995 when the fewered said, a "Oh, my God, Tails pulled a gun on Robin." Robin 5 Refered to Robin Williams. (RT 1005.) Hayes also 6 testified that sometime during the last couple of menths 1 Theebe's apartment at 56 Santos had caught on fire.

8 Williams and Phoebe were once roomnates at 56 Santos.

9 (RT 1005-1006.) Over the years, Williams had getten 1 solve fights at Survey dale. (RT 584-585.) Williams 1 Admitted that she might have some exemics account 1 the city. (RT 586.)

Andrews' false and unsupported national statements simplanted in his closing arguments, whether individually or collectively, so suffected the trial outcome as to create a genuine effect on the jusy's verdict, especially when considering the fact that the trial judge did not instruct the jusy to disregard the improper statements. There is absolutely no way a patient jury could have found Gree quilty of the crimes accused absent the mentioned statements in Andrews' closing.

PROSECU-TOR ANDREWS" SWEEN TIONAL AND MALICIOUS USE OF FALSE AND DECEIT FULL MATERIAL STATEMENTS SW his "OPENING STATEMENTS" AT TRIAL WERE SO EMPROPER THAT THEY SUFECTED HE - TRIAL WITH UNFAIRNESS AS

26 to make GREE'S RESUlting consistions a devial of due

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Continuation Of "Ground 2"; Page #5

Document 3

process and a fair trial. Andrews' opening statements Alleged, "She (Robin Williams) was shot because she made A Statement to the police About GREGORY BROWN, About him selling drugs, About him bring A gun. She was shot to punish her for that statement and to prevent her from testifying in fiture court Appeneauces." (RT 314.) Andrews failed to introduce my evidence Ht trial HS to why Robin Williams was shot. Hadrans Introduced No EVIDENCE that williams was shot because she made it 10 Statement to the police "About Greeney Brown." Andrews Extraduced No evidence that Williams was shot because her Stotement mentioned GREG "Selling drugs." Andrews Extraduced No evidence that Williams was shot because her statement mentioned GREG "having a gun." Andrews INtroduced No evidence that williams "was shot to purish here for that statement " to the police. Andrews gutroduced No Evidence that Williams was shot " to prevent her from testifying IN future court APPEARANCES." FURTHERMORE, HUDREWS Completely failed to Entroduce May evidence of trial its to why Williams was shot, And there was no trial evidence As to why. MOREOVER, Robin Williams' trial testimony totally contradicted the improper statements given by fudeous in his opening statements, while At the same time EXONERATING GREG ON All charges relating to hex shooting.

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Continuation Of "Ground 2"; Page 6

Williams testified At trial that ON JANUARY 6, She was Visiting GREG At 126 Blytholate, when the police came. She SAW A GUN IN GREG'S HAND AND A bAY of CRACK IN 4 the other. (RT 511.) She made A statement to the police 5 AS to what she saw. (RT 513.) Some days later she 6 WAS At A friends house when WANDA "FAIN" delivered I H NOTE to her, that weluded A photo of her taken some YETHES DEFORE BY GREG. GREG WAS NOTEDLY WHEN the NOTE 9 was delivered, standing outside on a porch. (RT 515.) 10 FAIN SAID GREG WANTED to talk to hER. (RT 517.) 11 She did Not spenk to GREG because she considered the 12 NOTE threatening And was scared. (RT 318.) About A 13 WEEK And A half later, She met GREG ON the Street 14 And they spoke. He Asked her to stry out of sight, 15 And Not to testify At his experimy herring; and In 16 RETURN he "would take care of" her AS long AS She 17 didn't testify. (RT 519.) She was satisfied with the conversation and returned to her regular visits to 126 Blythdale, going there About every other day. She went there to talk to GREG And they were friends. (RT 520.) GREG NEVER threatened her, And she believed he had no intention of hurting her. (RT 557) ANDREWS WAS AWARE that Williams would testify 23 AS She did, because it was relatively A REcitial of her preliminary henring testimony. (RT 11-16; 51-52.) Nevertheless, Andrews deliberately, consciously and

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Continuation Of "GROUND "; Page #7

MAliciously used false And deceitful material statements on his opening Statements to manipulate the jury. This fact is highlighted by Andrews' calculated. (And successful) efforts to paint Gree As A heartless dope dealer who has previously captured and corrupted the victim, Robin Williams. Thus, for example, in his opening statements Andrews Said:

"Robin is young to tell you that she is addicted to cocaine, that she had been supplied cocaine by GREGIOPY BROWN AND other people ... That she did A lot of things to get her poison. She'd go to GREGIOPY BROWN AND get drugs there. She's traded drug for sex with Mr. Brown."

(RT 315, live 28; 316, line 1-7.) Of course, there was NO Evidence Adduced At trial to support this Assertion. Absent the maliciously false and deceifful Statements embedded in Andrews' opening statements, no rational jury could have reached a quilty verdict against Green because there was simply no evidence introduced At trial connecting him to the shooting of Robin Williams. Indeed, the improper statements operated such a substantial and injurious effect on the jury's decision as to render Gree's convictions unconstitutional.

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Continuation Of "Ground 2"; Page #8

GREE'S Right to a fase trial and due process, under the Fifth and Faseternth Amendments of the United States Constitutions, was violated as a result of several instances of prosecutorial misconduct as set forth herein. Based on the above, the Court must grant habens relief to bree or this ground and enter a judgment of acquital because there is no evidence to supposed a re-trial.

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7. Ground 2 or Ground 3 (if applicable): Greward 3"; Page #1
GREES'S Right to A FAIR TRIAL AND Impartial July, AS GUARANTEED
under the Fifth, SIxth and Fourteenth Amendments of the United States
Constitution was violated when jurous gave intentionally false miswers
during voix dire and for covered up false statements given therein.
a. Supporting facts:
IN the present case, jurous committed misconduct when they
ENTENTIONALLY GAVE FALSE ANSWERS during vior dire or covered up false
Statements given therein which violated GREG'S Right to due process,
A fair trial, AN UNDIAS jury, confrontation, And A verdiet based on
Admissible trial evidence, as guaranteed by the Fifth, Sixth and
Forfeerth Amendments to the United States Constitution.
During voir dire, MR. Fuetsch, defense counsel for co-defendant
WANDA FAIN, Asked the jusy: "Does ANYONE have A problem or would
they have a peoblem with following the Exsterctions of the Court BUSY
if the result that would be reached by following sustanctions of
the Court WERE CONTAINEY to your gut reaction IN A CASE AS SERIOUS
AS the ONE that's charged here?" (RT 132, lives 3-8.) The only jump
who indicated he would have a problem with following the Court's
Pushouctions is jurce John Elwad. (RT 132-133 (from live 3 of 132 to live
13 of 133); 142-143 (fear line 11 of 142 to line 28 of 143); 158-159 line 28-13)
During voil dike, Mr. Zilversmit, defense course / for co-defendant
Joseph Diggs, Asked jueges MR. CASHillo, Ms. Owns, Ms. Snith, and
(SEE CONTINUATION Additional PAGE)
Supporting cases, rules, or other authority:
TRUIN V. Dowd, 366 U.S. 717 (1961); BRECHT V. ABRAHAMSON, 509 U.S.
619 (1993); Downelly V. De Christoforo, 416 U.S. 637 (1974);
IN RE Winship, 397 U.S. 358 (1970); CARter V. Kentucky, 450 U.S.
288;

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Continuention Of "Cround 3"; Prog 2

1 Mik. Bower if they heard the judge's instruction on the
2 presumption of impocence and whether they would be able to
3 vote Not guilty assuming there was no evidence to the
4 contarry; each juror indicated they would. (RT 136-137.)
5 Mik. Zilversnit also asked the jury if they would be able
6 to vote Not guilty if the presecution failed to produce
1 evidence of the deferdants' guilt beyond a retriniable doubt;
8 None of the jurers indicated to the contrary. (RT 140-141.)
9 During vin dire, Mr. Aring, Gree's trial defense

Countrel, Asked the jury of Any of them Are confused About the "difference between A more suspicion, A carring of a suspicion of conting of a suspicion pand coenting evidence that convinces beyond a leasonable doubt"; nowe of the jurious indicated confusion (LT 147.)

As denoistanted in the overring declarations of juscer John Elixed, juncer Kazen Pemberton, and Magne Richard, Gree's trial defense investigator, the juny failed to assuer questions howestly during wire dire regarding whether or not they would follow the court's instead in .

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Following the verdicts, All the defendants, including Green, filed metions for New trial, Afterging among other things, jury misconduct during deliberation. However, this Ground, as well as all other brounds set forth in these grapers, was not raised in the motions for new trial by defense counsely now on direct appeal.

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Continuation Of "Ground 3"; Page #3

JURGE KAREN Pembertow, in her declaration green to coursel for co-defendant Joseph Diggs states among other

During deliberations, a jurce had a bus schedule with them. We looked at the Schedule And we talked About how long the bus Ride took, when they (Robin, world & Joseph) got on the bus, and how long it took to get where they were going ...

When we want into the jury After Arguments, some people were saying "they don't have A CASE." I argumently believed they ware talking shout the presecution. But later, I repliced that more than half of the juneous were talking about how the defense had NOT PROVEN HOTE CASE.

(CT 453-454.) The clear import of this discussion between jures is that they did not apply the court's instruction on the burden of pruf in A Criminal CASE. (CALTIC Nos. 2.61, 2.90, 2.91; CT 334, 340-341; RT 1219, 1222-1223. Also, SEE, RT 93-94.) TUROR KAREN P. Also Advised Maggie Richards, Gaes's investigator, that "A couple" of junors commented on GRE'S failure to testify in his own defense heing an indication of his quilt. (SEE MAGGE Richards sween declaration At, CT 473-474.) The Pustacetions placing the harden of proof in the prosecution ARE grounded in the Due Process Clause of the Forefrenth Amerilment of the United States Constitution 26 ANUL play A vital Role IN the AMERICAN SCHEME OF CRIMINAL

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Continention of "Ground 3"; Page #4

1 PROCEDURE. The jurous clearly disobeyed the country Instructions regarding burden of proof when, According to 3 the declaration of jures KAREN P. MORE then half the 4 jukors said, during deliberations, that the defense had 5 NOT PROVEN their CASE. There is Nothing in the record 6 to suggest that the credibility of KAREN P.'s declaration 7 ca this issue was questioned, And it containly was not 8 Countered. There is NO CASE law OR other sutherity that GREG 95 AWARE of that states that the declaration of A 10 Single jurce cannot Establish misecularly that offending jueurs must be identified by wome, or that all twelve jupers must disober court instructions in order to 13 Establish misconduct. Indeed, one jurce is except. The instruction that no inference is to be drawn 14 from a defordant's failure to testify is granded in the Fifth and Fourteenth Amendments of the United States Constitution. The judy was instructed as follows: "A defendant in a criminal trial has a constitutional Right Not to testify. You must not dear any Inference from the fact that it defendant does not testify. Further, you must veither discuss this matter NOR PERMIT It to exter into your deliberation in my WAY." (CALJIC 2.60; CT 333; RT 1219.) The JUROR'S prisconduct in disobeying this instruction was inherently 25 AND Substantially likely to have Tifluenced and biased the 1111

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Continuation Of "Ground 3"; Page #5

Involved juries so is to prejudice these.

There are hardly two matters more basic to a fair judge trial than the grinciples embodied in the instructions referred to above.

JUROR John Elwood, IN his declaration given to counsel for co-defendant Joseph Diggs states under outh Among other things:

During our deliberations we pregnered A time live ... for the evening of the invident, we were for the preciod with the period between 7:30 pm and 8:35 pm on the night of the shooting. To feely regonstrinet what happened quality that period, we consulted his sandules that Jurors Alvin Bernstein and Mannell Benemann's brought in on the second way of deliberations. These schedules provided us information about the intervals before houses came; this information about the intervals before the first information along with course the stimus and statements before the first information along with course the stimus and statements before to fill in our time fine from 7:30 pm until 8:35 pm on the night of the shooting.

There was also discussion about recess to guns which was in reference to defoulant Great Because prior Auxest.

There were Also discussions when defendant CREE BROWN besty A claug detlet and his propassify for violence and drugs and that kind of lifestyle. This was mostly in reference to defendant Brown's state of mind.

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Signe jucces Also discussed that As A drug dealer, Brough's state of mind may be fixeded AND power hungey. Some juriers Also discussed that AS A drug dealer, Brown might feel that there would be NO consequences to his reticus If he killed Robin Williahirs. The jurces who brought up discussions of def. Brown's lifestyle were reminded by other juros that this line of discussion was speculation and could Not be considered in deliberations.

Someone Also made reference to the fact that if you do creek cocaine, it does Not memory you lose your memory.

(CT 451-452.) This statement taken on its face is chepply ijular bies of the worst sout in mil of 91504. Novetheless, jusce Torday avens cocroberated the fact that jury did in fact disaffreded and disobeyed the court's instructions and considered the seizure of a gun and clauge from defoulant GREECOLY TROWN AS EVILENCE OF his guilt in the Charged Crimes. (Declaration of Maggie Richards At, CT 473-474)

Early in the prosecution case, the trial court gave the following limiting sustanction to the jury regarding the evidence seized during the JANUARRY 6, 1995 ARREST of GREG. The court Admovished:

ITThe evidence or testimony that's hong received At this point regarding the gow and coeffice served At 126 Blythodale on January 26 thesia? 1995, in the presence of Mr. Brown is hong' offered only to show notive for Mr. Brown to

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Continuation of "Gound 3"; Page #7

haven Ms. Williams. You may not consider this evidence for any other purpose at this time.

(RT 347-348) After the completion of the presentation of All of the evidence, the court gave the jury the fellowing Gustructions:

> Evidence was introduced of an appear on JANUARY 6, 1995 of deformant GREEURY BROWN And Setzuke of guns And clargs from the promises of 126 Blythdate. This evidence was rednitted And Southly A possible inchive for the cognitission of the chines charged. You've to consider this evidence, Chines Charges of the termining whether such motive exists and few no other primpose. Such exidence, if believed, was not received and may not be considered by you to prove that defactorif but the considered by you to prove that defactorif but the testing is a pressur of had character of that he has a disposition to commit eximos, Such ordered was received and may considered by you only for the limited purpose of determining of it tends to show a newtire for the commission of the commes charged. For the limited purpose for which you may consider such evidence must weigh, it in the same manner you do All other evidence in this case. You're not permitted to consider such evidence for any other purpose.

Evidence Hart A gow was soized on James pay & th, 1995, May Not be considered by you to infer or February 7th, 1995, when Rober Williams was shot

Costain evidence was Admitted for A time tod purpose. At the time this testimory was admitted you were Admonished it could not be considered by you for for for Any purpose other than the limited purpose for which it was admitted. Do not consider such priderie for Apri purpose except the limited purpose for which it was somether.

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Continuetion Of "Ground 3"; Page #8

(RT 1213-1213) These Exsteuctions were also provided to the juey En weither form during their deliberations. (CT 306, 318-320, 323.)

Jurues clearly disregarded and disobeyed these Instructions. The from limiting their consideration of the EVIDENCE of the gun and cocarde to the issue whether the had A motive to Trem Williams, just discussed that the JANUARY 6, 1995 gun And COCATIVE EVIDENCE Showed that GREEN had "poccess to guns," was "A day dealer," had A "propersity for violence and clauss," had A " twisted And power hungey state of mind," And foll that "there would be NO CONSEQUENCES to his Actions of he killed Robin Williams." The fact that some jurges committed other jurges not to consider this live of discussion does not indicate whether any or all of the improper discussion CENSED, And there is no indication that the REMINDER WAS given by the jury farman or otherwise carried special Authority. And the reminder would not erase the previous Emproper discussion. The record is without any CONTRADICTORY CHECKATIONS ON THIS YSSUE. NOR IS THERE ANY Explication in the record that the prosecutor or the trial court questioned the credibility of junear John Elwood's declimention on this subject.

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The declaration of GREG'S trial defence investigatore, Maggie Richards, States, Amony other things:

ON May 30, 1995, I speke with juncor KAREN Pemberton by telephone. At that time, she told me she heard "A couple" jurces discussing the fact that defendant Greeney Brown did Not testify in his own defense, and that this was AN indication of quitt.

On May 30, 1995, I spoke with juxor Alvin BERNStein by telephone. He told me that in jury defiberations

ON May 30, 1995, I spoke with juccos Tordan T. Owers by telephone. She told me that the jury Considered as evidence of one of defendants kning Shot the victim that there were gows in Geracly BROWN'S past, and that he was a day derelex.

(CT 473-474)

The sween declarations of jurces John Elwood mil KAREN PEMBERON And that of investigator Maggie Richards, demonstrate that the jucces consulted his schedules and/or maps during deliberations. The record shows that meither WERE Admitted into evidonce At trial. It is jucic miscoulust to consider and discuss "Evidence" other than that which WAS RECEIVED At trial, whether A juror Acted Whentionally OR WALVENTENTLY IN being exposed to the outside source of information.

The jurcos were also specifically instructed:

You must decide All questions of fact in this case how the evidence received in this trial and not from any other source ...

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Continuation Of "Ground 3"; Page #10

You must Not make any Endependent INVESTIGATION of the facts . . NOR CONSIDER NOR discuss facts As to which there's NO EVIDENCE.

(CALTIC 1.03; CT 313; RT 1210.) CLEARLY, the jURGES USE of the bus schedules constituted misconduct.

Timing was AN Emportant Esser In this CASE. The passerution theory was that FAIR, Diggs And Williams left 126 Blythdale Af Around 7:30 p.m., walked to the his stop, whited for the bus, Rode the bus for twenty to twenty five 10 minutes, And walked A block And A half, before conditioners FAIN mid Diggs shot Williams. The wounded Williams was first 12 discovered Around 8:30 p.m. There is no evidence that FAIN OR Diggs WELE Arywhere IN sight My that time. Given All of this, 14 plus the co-defendants derial of any involvement in Williams shooting, the expect withours evidence regionaling williams momenty problems, And the defense theories that third probles were Responsible, the jumy planily had a question as to whether All that williams described could have happened within the ove hour time period. Thus, they obviously felt a week to fell 40 garporetrast gaps 40 the preservation case time live, 21 And used the bus schedules to do so. Insmuch is Greed's culprability As a conspirator rested on the jury's Evaluations of the retions of FAIN'S And Diggs And on the credibility and reliability of Williams testimony, the jury's consultation of the bus schedules to bolster the 26 prosecution's CASE WAS prejudicial to GREG.

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Continuation of "Ground 3"; Page #11

The sween declaration of jurge John Elwood makes clear
that a jurge injected his own outside expertise into deliberations.

The comment of a jurge that if you do exact cocaine it does not mean you lose your memory is also misconduct. The relationship tetween crack cocaine use and memory loss is not a subject of commonplace knowledge. Moreover, the jurge comment is not a reasonable interpretation of expert witness psychiatrist

Eugene Schoenfeld trial testimony. (LT 932-935.) The jurge who made the comment regarding cocaine and memory was, cherely relying on first hand experience, observation, or study.

As such, his comment injected his outside expertise into the deliberations, which constituted miscondict.

HERE, the evidence us so very stim against Green, NONExistent by most standard, that a very minimal amount of
exerce can have a substantial weight in affecting the verdiet.

All that ties Green to the shooting of Robin Williams is, the
January 6 agreet, and his convection to the delivery of a
purportedly threatening note. Other than his prosone emplies
in the day, there is nothing convecting Green to the events
leading up to williams' shooting. Absent the varieties of jury
misconduct in this case, no trier of facts could have
found Green quilty of the crimes charged.

As street hereto, the defense coursels explicitly asked the jury material questions during vore dire which the jury gutentionally failed to respond hovesty to; specifically, the jury concented these unwillinguess to (1) follow the court's

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1 "Without hours; (2) give the defaulants, pacticularly Great, the
2 presumption of invocance; (3) vote not quilty of the
3 preservation failed to produce evidence of the defaulants guilt
4 devoud a reasonable doubt; and (4) ascertain the
5 "difference between a mere suspicion, a creating of a
6 suspicion and creating evidence that convinces beyond a
7 reasonable doubt." (RT 132; 136-137; 140-141; 147. Also,
8 Ste, this Ground at pages 1 & 2.)

10 Counsels' questions during voin dire violated Green right to A

11 fair trial, an Emparatial jury, due process, confrontation,

12 And A verdict based on ridarissible trial evidence under the

13 Fifth, Sixth And Fourteenth Pomendments of the Christ of

14 States Constitution; and was the direct cause of the

15 Violation set factor in Ground 1.

Based on the Above, the Court must grant habeas relief to Greec on this ground Along with any other relief the Court deems fare and just.

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b. Supporting cases, rules, or other authority:

Strickland V. Washington, 466 U.S. 668 (1984); BRECHT V.
Abenhamson, 507 U.S. 619 (1993); Donnelly W. De Christoforo, 4/6
U.S. 637 (1974);

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Continuation Of "Ground 4"; Page #2

1 between GREGI And ANYONE to commit mucher and (2) they 2 do not meet the legal requirement of an overt Act. 3 In light of the fret that Green pled not guilty to the CRIMES ACCUSED (CT 9-11), ANY REASONABLY EffectiVE 5 COUNSEL would have moved to challenge All Evidence Against 6 his client in which the prosecution relies upon to obtain A 7 Conviction. It is REMSONABLE to ASSUME that had counsel 8 challenged the overt Acts, the prosecution would have 9 how forced to produce sufficient evidence to support each 10 Act OR RUN the Risk of haring out or more Acts dismissed. As shown herein, the mentioned overt nots were other not 12 Acts in Avid of themselves or unsupported or lacked finding. Therefore; had counsel challenge the overt Acts it is more than likely that one or more or all of the Acts would have been dismissed which would have further weaken the prosecution's case or resulted in the entire case against Course being dismissed, because, the essence of a conspicuous lies within the commission of AN overt Act.

Here, the presecution's case agrands bleen is non-existent by most standards, therefore, a minimal of excar such as the failure to challenge the evert acts contributed to and preximately caused the subjection of Green to an unifair trial, a bias jury, prosecutorial misconduct, and a conviction on less than proof beyond a reasonable doubt. Counsel's failure to challenge the overtacts in question' amount to defective and weter expresentation.

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Continuation Of "Ground 4"; Page 3

Document 3

Trial coursel's failure to make mexitarious objections to false and unsupported material statements at total constitutes Weffective trial Representation.

As Stated in "Ground 2" mil supported by the record, IN closing ARGUMENTS, the prosecutor told the jury that Wands FAIN whole the Note "for GREGORY BROWN," (RT 1349.) And "... he (GREO) CAN get her (Robin Williams) out to Jerrild Avenue mid shoot her And lette her dend through the other two (Frin And Juseph Diggs)." (RT 1349.) The prosecutor further repentedly exhorted the jury to kning in A "quilty" vexdict, not besend on the evidence, but "RECAUSE they did "t." (RT 1350.) There was not A scintilla of evidence presented at trial that supports ANY of those false material Statements. Any REASONABLY effective counsel would have forvertly objected to each mul every one of these inproper statements, practicularly, To light of the fact that closing requirents are limited to the 9550E IN the CASE And the evidence that has been Counsel's now-objections to the false and prezided. Unisapported material Statements Allowed the prosecutor to: (1) ARGUE facts that ARE Not supported by the evidence IN the record; (2) "Nject his personal beliefs AND OPINIONS; (3) influence And inflame the jury's prejudices Against GREG; (4) ENCOURAGE the jury to diskegard the courts Instruction regarding innocence And quilt; And (5) divert the jury's Attention from

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Continuation Of "GROUND 4"; PAGE #4

1 its duty to decide the CASE ON the merit of the EVILENCE
2 presented at trial. Moreover, coursel's NON-Objections gave
3 credence to the prosecutor's basiless opening Statements.

Had counsel objected to the improper Statements,

the objections would have undoubtedly resulted in the

judge ordering the jury to disregard the statements which

would have put the jury on notice that they are not

allowed to consider the improper statements, and that alme

could have changed the outcome of the total. However,

could have changed the outcome of the total. However,

rounsel's failure to object to the fake and insupported

material statements pesulted in and contributed to and

proximately caused bices's convictions for the crimes

accused and subjected him to an unfar total, a bias jury,

prosecutorial misconduct, and a conviction on less than

proof beyond a consorble doubt. Counsel's non-objections

to the Statements in question amount to defective and

ineffective representation.

Trial coursels failure to use preemptery Challerge to excuse a potential bias jurce from the jury proved constitutes ineffective trial representation.

HERE, during voir dire, jurse John Elwood was questioned and answered as follows:

Me. Fuetsch (Co-defendant Wanda Fain's defense coursel):
"Does Anyone have a problem or would they have
A problem with following the instructions of the Court even
if the result that would be reached by following the

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Continuation of "Ground 4"; Page 5

Instructions of the Court were conterry to your gut Restation IN A CHEE HS SERIOUS ITS the Hat's charged here?"

PROSPECTIVE JUROF: "I Hink I would have A problem with it.

Me. Fuetsch: " ... could you explain what you mean by you would have a problem with that?

Prospective JUROF: "I believe there's A higher Authority than legal authority that is like mural authority, And to follow like A set of Rules RATHER THAN MORE Of A 10 moral thing, I think I would be hardpressed to follow the 11 Set of Rules that ARE outlined by law.

"... but I think if you misconstrue the constitution OR ERONDEN its return Authority, then I think that could be potentially weavy.

(KT 132-133.)

Me. AciAN (GET'S TRIAL COUNSEL):

"MR. Elwood, I hered you say something rebout broadening the Authority of the constitution. Do you recall that comment?"

Prospective JUROR: "I do."

MR. ARIAN: "I wonder if you could say any moce About that. I didn't get your complete thought.

PROSPECTIVE JUROR: "My thought 95 A lot of, let's SAY, SOME body 15 ON tRIAL, the jURURS Sit through the ENTICE trial, they have a gut feeling that these defendants ARE, let's say, quilty, but a lot of circumstantial

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Continuation Of "GROUND 4"; Page #6

EVILENCE has been brought in and it's been found -- or a

legal issue has been brought up, a minich legal issue that

speaks to their innocence. You're supposed to think

they're innocent even though they're guilty, because it's

hegal regument and it takes precedence over how you feel."

Mr. Arian: "you're saying that as a juror your gut

7 REACTION IS VERY Important And you're going to pay a let 8 of Attention to that?"

PROSPECTIVE JURGE: "If you've listened to all the
facts And you say, yes, they are invocent or quilty, but
In some legal precedence makes you dismiss that, then I
have a big problem with that."

MR. ARIAN: "You might not be Able to do that?"
PROSPECTIVE TURCE: "No, I would not."

MR. ACIAN: "Would that hold of the judge At the close of the CASE MISTERICAED YOU THAT YOU WERE to CONSIDER THIS EVIDENCE AN A CERTAIN WAY AND THE MISTERICAINS OF the judge went counter to the feelings you just described."

Prospective Juroc: "I really don't know sitting

THE RIGHT NOW."

MR. ARIAN: "Would you have trouble with 84?"

PROSPECTIVE TUROR: "I would have major problems."

(RT 142-143.)

The Court: "At this point does my party wish to exter a challenge for cause?

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Continuation Of "Ground 4"; Page #7

But before you do that; Mr. Elwood, I was little UNCLEAR About your Statements.

Let me just pend this question to you again: It [sic] important that I have your assurance that you

will without RESERVATION follow my ENSTRUCTIONS AND

pulings on the law And will spoly that low to the CASE.

To put it differently, whether you appeare or disappeare of my instructions, it is your solemn duty to recept is

CORRECT my StatemENTS of the law. You may Not

substitute your own idea of what you think the law

ought to be.

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would you be Able to follow the law AS givEN by me IN this coase?"

PROSPECTIVE JURGE: "I would, but I may have A problem with that, interval conflict.

(RT 158-159)

As demonstrated, junce Elwood's responses during Vie dire were existe and mistending and concented his UNWILLINGUESS to follow the country sustauctions. Pay REASONABLY Effective counsel would have used A pREEMPTSRY challenge to Excuse jurce Elwood from the jury panel AS A Result of his explicit or implicit Allegiance to his "gut" feelings apposed to the law and instructions given by the court. Mereover, Elward's declaration illustrates

AN Abundance of jurox misconduct (CT 451-452),

26 therefore, it is REASONABLE to ASSUME that Elwood's

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Continuation Of "Ground 4"; Page #8

PELIANCE ON his gut feelings chicing deliberations, pather than the Court's instructions, was influential in the jury's decision to find GREG quilty of the arimes charged, particularly since the verdicts were contrary to law. Counsel's failure to excuse potential bias Elwood from the jury panel contributed to and proximately caused GREG's deprivation of a fair trial and impartial jury.

GREE'S Right to effective assistance of trial coursel as guaranteed by the Fifth, Sixth and Fourteenth Amendments of the United States Constitution was violated when coursel failed to (1) challenge the overt acts; (2) object to false and unsupported material statements at trial; and (3) use preemptury challenge to excuse the bias juror John Elwood from the jury panel.

BASED ON the Above, the Court must grant habers selict to GREGI ON this ground Along with my other relief the Court deems fair and just.

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Case 3:08-cv-03501-MMC Filed 07/22/2008 Page 41 of 126 Document 3 (if applicable): GROUND 5"; to Effective Assistance of Appellate Counsel, AS he Fifth, Sixth and Fourteenth Amendments of the Constitution, was violated when counsel deliberately fixited to discover and include now-frivolous issues into the appellment's brief. a. Supporting facts: It was defective and meffective REPRESENTATION of Appellate coinsel when counsel failed to RAISE a Append the following NOW- FRIVORUS 155455: (1) GAG'S CONVICTIONS ARE BASED ON 1555 than proof beyond A REASONABLE doubt of every Element of the charged crimes As fully set forth herein At Ground THE PROSECUTOR Committed SEVERAL PRISHAVEES of prosecutorial misconduct as fully set firth herein at Ground Two (3) the jury failed to respond honestly to the defense Counsels questions during voir dire As fully set forth herein At GROUND THREE; And (4) trial coursel was ineffective when he failed to challenge the overt Acts IN supposed of the CONSPIRACY Charge; failed to object to the false AND UNSUPPORTED AND deceitful material statements presented trial by the prosecutor; and faile EXCUSE JURGE John Elward, AS HERE'IN AT GROUND FOUR. NONE OF tHESE ISSUES ARE TRIVULOUS.

Supporting cases, rules, or other authority:

Smith V. Robbins, 528 U.S. 259 (2000); Breakt V. Abrahamson,

507 U.S. 619 (1993); Donnelly V. De Christoforo, 416 U.S. 637

(1974)

SEE Continuation, Additional Page

PETITION FOR WRIT OF HABEAS CORPUS

Page four of six

Continuation of "Ground 5"; Page #2

Any REASONAbly effective Appellate Counsel would have paised each of the mentioned issues on direct appeal to require the REVERSAL of the lower Court's judgment. Appellate counsel paised the following claims on Appeal: insufficient evidence to prove conspiracy to commit murder; insufficient evidence to prove 1 Attempted murder; jury misconduct; remail for 8 RESENTENCING UNCLER PEOPLE V. Superior Court; And joinder in co-defendants arguments. Had 10 Coursel INCORPORATED THE MENTICNED NON-FRIVOlOUS issues into the appellate beief, the issues would have provided evidentiary support for the claims raised therein and contributed to the DERSEVERANCE of A successful appeal. However, appellate counsel's failure to paise the issues in question deprived GREG of A prosperous and triumphant appeal and the Right to effective Representation of counsel on appeal IN violation of his Fifth, Sixth and Fourteenth Amendments of the United States Constitution. Based ON the Above, the Court must grant habers pelief to GREG ON this ground and any other relief the Court deems fair And just.

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8. Did you appeal from the conviction, sentence, or commitment? Yes. No. If yes, give the following information: a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):
Court of Appeal of the State of Calif., First Appellate District, Division Four
b. Result Affirmed c. Date of decision: January 28, 1998
d. Case number or citation of opinion, if known: No. A072126
e. Issues raised: (1) INSUfficieNt evidence to prove conspicacy to commit murder;
(2) Insufficient evidence to prove Attempted murder; (3) They Misconduct; (4) Roman
for resentancing under Park V. Superior Court; And (5) Joinder in co-defendant
f. Were you represented by counsel on appeal? Yes. No. If yes, state the attorney's name and address, if known:
Victor Blumenkrantz; P.O. Box 9586; Berkeley, CA 94709
9. Did you seek review in the California Supreme Court? Yes . No. If yes, give the following information:
a. Result DENIED b. Date of decision: April 29, 1998
c. Case number or citation of opinion, if known: SO68320
d. Issues raised: (1) SAME AS Above
(2)
(3)
10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal: The Psoues Raised here's ARE based on matters outside the record on paperal.
TRIAL AND Appellate coursels were the ffective in failing to paise these issues
11. Administrative Review:
a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See <i>In re Muszalski</i> (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:
· · · · · · · · · · · · · · · · · · ·
b. Did you seek the highest level of administrative review available?

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	a.	(1) Name of court:
		(2) Nature of proceeding (for example, "habeas corpus petition"):
		(3) Issues raised: (a)
		(b)
•		(4) Result (Attach order or explain why unavailable):
		(5) Date of decision:
	b.	(1) Name of court:
		(2) Nature of proceeding:
		(3) Issues raised: (a)
		(b)
		(4) Result (Attach order or explain why unavailable):
		(5) Date of decision:
		For additional prior petitions, applications, or motions, provide the same information on a separate page. y of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
14. l' - - 15. E	f any	y of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
14. I - - 5. E 3	f any	y of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result: ain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See In re Swain (1949) al. 2d 300, 304.) The ISSUES PAISE HEROTN ARE HASCIE ON MAJER'S CONSTITUTE ARE RECORD Append, And GREG, lacked has a caucation and all legal knowledge, with Nowly purisue the issues herein. Micreover, Green has been suffering their major purisue the issues herein. Micreover, Green has been suffering their major cersion and mental illnesses as a result of his curony full Continue tions and
14. II 5. E 3 	f and	y of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result: ain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See In re Swain (1949) al.2d 300, 304.) The ISSUES PAISE NEETN ARE NASEL ON MARKET'S OUTSINE THE RECENTAGE aparts and force factors have reduced in and All Egal (would die: World Nous)
114. II ———————————————————————————————————	(xpla	y of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result: ain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See In re Swain (1949) al. 2d 300, 304.) The ISSUES PAISE HEROTN ARE HASCIE ON MAJER'S CONSTITUTE ARE RECORD Append, And GREG, lacked has a caucation and all legal knowledge, with Nowly purisue the issues herein. Micreover, Green has been suffering their major purisue the issues herein. Micreover, Green has been suffering their major cersion and mental illnesses as a result of his curony full Continue tions and
14. I — — — — — — — — — — — — — — — — — —	(xplad 4 Carlot y x x x x x x x x x x x x x x x x x x	gin any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See In re Swain (1949) al. 2d 300, 304.) The ISSUES PAISED HERETON ARE PASCUL ON MAJERS OUTSIDE HIE RECORD APPEALS, AND GREGIS JACKED HAS, & Education AND All Legal KNOWLEDGES, WINTINGS PAISONED FOR THE RECORD OF THE TISSUES JERETN. MEREOVER, GREGIS JAS BEEN SUFFERING THOURS AND RESOLUTED. CESSION AND MENTAL INVESSES JAS A RESUlt of his CRONGET CONTROL THOUS AND RISONMENT. Ou presently represented by counsel? Yes. No. If yes, state the attorney's name and address, if known:

PETITION FOR WRIT OF HABEAS CORPUS

DECLARATION OF SERVICE

CASE NAME: GREGORY L. BROWN	V.	WARRIEN, SATF-CORCORAN	PRISON
CASE No.:			

I declare: April 16,2007 ON MARCH 16, 2007, I SERVED the Attached: CREG'S PETITION FOR Writ Of HABENS CORPUS by placing A true copy thereof exclosed in A sented exvelope with postage thereon fully prepard, in the prison mail collection system At CSATT-Corecease, in California, Addressed As follows:

> Clerk, Superior Court of the City and County of SAN FRANCISCO Hall of Justice S50 Beyon't St. SAN FRANCISCO, CA 94103

District Attorney's Office of SAN FRANCISCO HAll of Justice 550 Beyout St., Room 300 SAN FRANCISCO, CA 94103

I declare inider penalty of perjury that the foregoing is true and correct.

DATED: 3/6/07

GREGORY L. BROWN

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OF

GREGORY L. BROWN

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SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE CITY AND COUNTY OF SAN FRANCISCO

Department No. 22

IN THE MATTER OF THE APPLICATION

Petitioner,

FOR A WRIT OF HABEAS CORPUS

WRIT NO. 5568

ORDER

ENDORSED FILED San Francisco County Superior Court

MAY 3 0 2007

GORDON PARK-LI, Clerk
BY: CARLOS BARRAZA
Deputy Clerk

On April 25, 2007 this Court received a Petition for Writ of Habeas Corpus from petitioner Gregory L. Brown ("Petitioner"). On May 25, 1995, Petitioner was convicted of conspiring to commit murder and of attempted murder. On January 28, 1998, the First District Court of Appeal affirmed the judgment with sentencing modifications. On April 29, 1998, the California Supreme Court denied review. Petitioner is serving 56 years to life at Corcoran State Prison.

Petitioner seeks habeas relief on four grounds. He claims that the verdict was not supported by sufficient evidence and that the prosecutor "maliciously and intentionally introduced false and unsupported and deceitful material statements at trial." He also claims that jurors committed misconduct and that his trial and appellate counsel provided ineffective assistance of counsel.

Petitioner was convicted almost 12 years ago and the Court of Appeal affirmed his conviction over nine years ago. Under well-established California law, a petition should be filed as promptly as the circumstances allow. As a result, the petitioner must explain in detail and "justify any substantial delay in presenting a claim." (In re Clark (1993) 5 Cal.4th 750, 765); In re Swain (1949) 34 Cal.2d 300, 302.) Where there has been significant delay in seeking habeas relief, the petitioner must describe circumstances sufficient to justify or explain the delay. To avoid the bar of untimeliness, the petitioner has the burden of establishing: (1) the absence of substantial delay; (2) good cause

for the delay; or (3) that the claim falls within an exception to the bar of untimeliness. (In re Robbins (1998) 18 Cal.4th 770, 781; see also Clark, supra, 5 Cal.4th at 775 ["[i]f a petitioner had reason to suspect that a basis for habeas corpus relief was available, but did nothing to promptly confirm those suspicions, that failure must be justified"].)

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As an initial matter, Petitioner's insufficient evidence and juror misconduct claims are barred because they were raised - and rejected - on appeal. Because these issues were "previously raised and rejected on direct appeal, and because the [P]etitioner does not allege sufficient justification for the issues['] renewal on habeas corpus," the issues are "procedurally barred from being raised again." (Harris, supra, 5 Cal.4th at 825; see also In re Sakarias (2005) 35 Cal.4th 140, 145.)

Petitioner's ineffective assistance of trial and appellate counsel claims fail for two reasons. First, he has failed to justify the delay in bringing these claims. Instead of alleging facts to demonstrate good cause for the delay, Petitioner claims that he "lacked basic education and all legal knowledge, until now" and that he was somehow prevented from seeking relief because he has "been suffering from major depression and mental illness." These contentions have no merit. Petitioner does not allege when he began suffering "major depression and mental illness," nor does he allege how these conditions prevented him from seeking writ relief. Moreover, Petitioner does not explain how his alleged lack of "legal knowledge" prevented him from consulting his appellate attorney about a possible claim for ineffective assistance of trial counsel, or from contacting an attorney to inquire into the quality of representation provided by his appellate counsel.

Even assuming Petitioner's ineffective assistance of counsel claims are not time-barred, these claims fail because Petitioner has not provided any documentation to support his claims that his trial and appellate counsel provided ineffective assistance. It is well settled that a petition for writ of habeas corpus should: (1) state fully and with particularity the facts upon which relief is sought; and (2) include copies of reasonably available documentary evidence supporting the claim, including pertinent portions of trial transcripts and affidavits or declarations. (People v. Duvall (1995) 9 Cal.4th 464, 474.) Conclusory allegations made without any explanation of their basis do not warrant relief. (People v. Karis (1988) 46 Cal.3d 612, 656; see also In re Swain (1949) 34 Cal.2d 300, 303-304.)

Petitioner's failure to attach any supporting documentation to his petition prevents this Court from conducting a meaningful review of his ineffective assistance of counsel claims.

"To establish ineffective assistance of counsel . . . a defendant must show that counsel's representation fell below an objective standard of reasonableness under prevailing professional norms, and that counsel's deficient performance was prejudicial, i.e., that a reasonable probability exists that, but for counsel's failings, the result would have been more favorable to the defendant." (Strickland v. Washington (1984) 466 U.S. 668, 687-688; People v. Waidla (2000) 22 Cal.4th 690, 718.) Even assuming Petitioner's claims about his attorneys' conduct at trial and during his appeal are accurate, his claims fail because he has not demonstrated that his counsels' performance "fell below an objective standard of reasonableness" and that there is a reasonable probability that, but for counsel's alleged errors, "the result of the proceeding would have been different." (People v. Ledesma (1987) 43 Cal.3d 171, 218.) "When a defendant challenges a conviction, the question is whether there is a reasonable probability that, absent the errors, the factfinder would have had a reasonable doubt respecting quilt." (Ledesma, supra, 43 Cal.3d at 218, citing Strickland, supra, 466 U.S. at 693-94].)

For the foregoing reasons, Petitioner's writ of habeas corpus is DENIED.

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Judge of the Superior Court

EXHIBIT C

MC-275

Name GREGORY L. BROWN
Address SATF-CORCORAN
P.O. Box 5246
CORCORAN, CA 932/2
<u> </u>

A 148248

CDC or ID Number

Court of Appeal of The State of Cantile Appeal First App. Dist.

THEST Appellate District, DINSIGN FOUR

COURT)

JUN 2 9 2007

COURT STATE OF CANTILL APP. DIST.

PLANA HERBERT

(COURT)

GREGORY L. BROWN	
Pelitioner / vs.	
WARDEN, STF-CORCORAN TRISON Respondent	_
Respondent	

PETITION FOR WRIT OF HABEAS CORPUS

(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- · Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and
 correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction
 for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your
 answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies.

 Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See
 Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page one of six

Form Approved by the Judicial Council of Califor

MC-275 [Rev. July 1, 2005]

This	petition concerns:	
Ş	A conviction	Parole
	A sentence	Credits
	Jail or prison conditions	Prison discipline
	Other (specify):	
1. Yourn	ame: GREGURY L. BROW	n)
2. Where	are you incarcerated?	CRECRAN SHALL PRISON
3. Why ar	re you in custody? X Criminal Convi	iction Civil Commitment
Answe	r subdivisions a, through i. to the best of yo	our ability.
	e reason for civil commitment or, if criminal of a deadly weapon").	conviction, state nature of offense and enhancements (for example, "robbery with
C	OUNT I, CONSPIRACY TO	Commit Muedor
	wit II, Attempted 1	
b. Pena	al or other code sections: <u>Cocker + D</u>	= 182.1.187; Count I 664/187
c. Nam	e and location of sentencing or committing	count Suntaine Caret of the City And County
	,	Tustice, 830 Bryant St., S.F., CA 94/03
	number: No. 159271	
e Date	convicted or committed:	25, 1995
f. Date	sentenced: OchchER 12,	1995
g. Lengt	h of sentence: 56 Vernes fo	Life
ħ. When	do you expect to be released? Linuric	dictely upon granting of this hatens
		1? X Yes. No. If yes, state the attorney's name and address:
5	Ephen ARIAN, P.O. B.	4668; Kentfield, CA 94914
What was	the LAST plea you entered? (check one)	·
Not 9	guilty Guilty Molo Contend	ere Other:
,	ded not guilty, what kind of trial did you hav	•
Jury	Judge without a jury Subm	nitted on transcript Awaiting trial

5.

	GROUNDS	FOR	RELI	FF
)_	011001100	1 011	1,1	_,

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (if you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

Constitution, was violated as a result of his conviction on less than preof beyond a reasonable doubt of every clement of the Charged crimes.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See In re Swain (1949) 34 Cal. 2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

Elements of the comes changed against Goese, beyond a remarkle doubt.

On March 17, 1995, Prosecutor Floyd Andrews filed his Information

80 this case. Court I of the Information accused Gree of

Curspiracy to commit murder (CT 1) and Court II accused him

of Attempted murder (CT 4). The Information alleged that the

Attempted murder was willful, deliberate, and premeditated. (CT

5.) As to the Attempted murder court, the Information also

Alleged that Gree personally sufficient great bodily anjury upon

Robin "Williams." (CT 5.) The Information set out 14 overt

acts so support of the conspiracy accusation, maning Green in

only four overt acts (No. 2,4,5 mid 6.). (CT 1-4) Overt Act

No. 2 accused (SEE Continuation, Additional Proje.)

b.	Support	ing	cases,	rules,	or ot	her aut	hority i	(opt	ional	i):
----	---------	-----	--------	--------	-------	---------	----------	------	-------	-----

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

IN RE Winship, 397 U.S. 358 (1940); Leavith V. NASQUEZ, 875 F. 2d 260 (1989) (9th Cir.);

Continuation Of Greated I; Page #2

GREG of taking a photo And giving it to Wards "FAIN"; 2 No. 4 Accused Geres of Accompanying FAIN to deliver A 3 Note; No. 5 Accused GREE of ENCONCAGING FAIN And Joseph "Diggs" to mueder Robin Williams; And No. 6 recused 5 GREG And FAIN OF RESIDING At 126 Blythdale. Overet Act Nos. 2 mil 4 ARE morningless IN the context of the 1 CONSPIRACY CHARGE because there was NO EVICLENCE of ANY AGRETITIENT, between GREG AND ANOTHER OR OTHERS . 9 to commit murder. But, more importantly, those two "Acts" do not meet the legal Requirement of AN "Overt Act." The jury made A determination that Great 12 ENCOURAGED FAIN And Diggs to murder Robin Williams 13 (VERdict, Overet Act No. 5), but there is Not a shred of Admissible evidence presented At trial from which this 15 CONCLUSION could logically be RENCHED. And there was 16 NO finding of overet met No. 6. (Verdict, Overet Aut No. 6.) There was no sufficient evidence of an overet act 18 Supporting the charge of conspicacy to commit murder. The crime of conspiracy is defined in the California Penal Code (Sec. 182, subd. (a)(1), 184) AS two or make person's conspiring to commit my crime, together with proof of the commission of an overt act by ONE OR MORE of the parties to such agreement in furtherance thereof. Conspiracy is a specific intent came. The specific 25 intent required divides logically into two Elements 26 (a) the intent to AGREE, OR CONSPIRE, And (b) the intent

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1 to commit the offense which is the object of the conspiency. To sustain a conviction for conspiracy to commit murder, the prosecution must show Not only that the conspirators Intended to agree but also that they intended to kill the victim.

The Evidence Extroduced At trial, As it pertagns to GREE MAY be SUMMARIZED AS follows:

1) He was agreested on January 6, 1995, At 126 Blythdale, while in possession of a handgun and CRACK COCATNE. ROBIN Williams made a statement to police INCRIMINATING GREG.

HE was present when a purportedly threatening NOTE, written by co-defendant Wanda Frin, on paper from A Notebook belonging to FAIN, was delivered to Letiliams. The Note come with A photograph of her taken by GREG 16 FIVE YEARS befoRE,

3.) GREG And Williams met, and GREG Agreed to provide Williams unspecified Remuveration of she would REFRAIN from testifying Against him At AN upcoming pacliminapy haveing. The two resumed their previously friendly pelationship.

4) GREG WAS PRESENT AT 126 Blythdale ON February 7, until about 4:00 to 6:30 P.M. that Evening. Williams, FAIN And Diggs left to take the bus about 7:30 P.M.

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Continuation of Ground I", Proje#4

1 First, the January 6, prest could only be considered on 2 the 955UE of GREETS motive to commit the crimes Alleged.
3 (RT 347-348; 1213-1215.) Clearly, "motive" is Not AN 4 USSENTIAL Element of either crime charged. Indeed, 5 motive is different from sweart (I Within, California 6 Chiminal Law (3^M edition 1988); Sec. 100, p. 118), And 1 does Not establish intent.

Siconds the Alleged thantening note was written by Frin ON her pages. (RT 727-729, 925.) It was delivered About these weeks before the February 7, 1995 shooting of Williams. A consovable trier of facts could refer that GREG WAS ASSOCIATED with the Note, but it is not ROPSONALLE to Enterpret the note is evidencely AN AGREEMENT 14 LETWEEN FAIN AND GREES to commit any CRIME, let Alone AN 15 Agreement to kill Williams. Furthermore, About a work And A half After Williams received the Note, or About two weeks before February 7, 1995, Williams And GREG, reconciled, (RT 520, 345-546, 557.) From that time fectioned, up to and including Fobruary 7, 1995, Williams visited with GREG. EVERY day of EVERY other day. There is NO EVIDENCE to suggest that these Approximately SEVER to Courteen visits were Anything but friendly. Indeed, Williams testified that GREG specifically Endicated to hex that he had no intention to hart her. (RT 554.)

Third, given the evidence that Green either lived At 126 Blythdale or was there often and williams considered

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Continuation Of Ground 1"; Page #5

him her friend, wothing can be informed from Green's preserve At or Absence from 124 Blytholde on the day.

Williams was shot. Williams' trial testimony varied as to when Green left on that day. (RT 547-530.) She also testified that she did not remember when he left. (RT 551-552.) At the March 6, 1995 preliminary examination, she testified that he left energy, around 4:00 P.M.

(RT 547-549, 551.)

Nowhere in the record is there my evidence from which a Retional inference may be made that Gree record with PNYONE to take Robin Williams life; or to do her my harm at all. There is no evidence which even arguethly shows that Gree had an intent to kill Williams. There is no evidence linking Gree to any wompon resociated with the shooting of Williams. There is no other physical evidence linking Gree to the shooting of Williams. There is no evidence to the shooting of Williams. There is no evidence that Greet had any connection to the tap that Fam, Diggs, and Williams took to Third Street. And there is no thing in that statements that Third Street. And there is no thing in that connected Greet to the shooting of Williams:

The fact that GREG knew FAIN and pexhaps Diggs is not sufficient. More association is not enough to establish the essential elements of either crime Alleged.

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Continuation Of "Grand 1"; Page #6

As shown above, there is no evidence to supposed the constint elements of the Clime of Conspicacy to commit muches.

Even less evidence exists with respect to the finding of the crime of Attempted mireder of Robin Williams.

6 Where, As here, the prosecution has charge the Attempt to be "willful, deliberate, And premeditated,"

8 It must publice evidence from which it may be performedly inferred that, ". . . the would-be slager (weighed and existered) the question of killing and the REASON for mid against such whoice and, having in mind the donsequences, decides to kill another human being."

13 CALTIC 8.67.

No such evidence exists in the record. Nor is there any evidence of the specific intent element weeded to satisfy the retempted murder requirement. Such intent must be shown at the time of the overt met by which the Attempt is imprifested; and it carried he inferred from the amountsion of another crime.

ANOTHER ESSENTIAL Element of the wome of Attempt 95 the requirement of a direct but meffectual act done toward the commission of the act alleged. The act must be overt and unequivocal; it must constitute the beginning of the consummation of the Attempted Prime. Preparation Alone is not sufficient.

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Continuation Of "Ground I"; Page #7

Just As there is NO evidence to supposed the elements of GREES'S conspiracy to commit mueder conviction of 3 Robin Williams, there is No evidence to suggest the Elements of his Attempted murder conviction of her. There is no evidence to support A finding that GRECE had A specific guteret to kill Williams. There is NO evidence that GREG Attempted it direct best 8 INEFFECTUAL Act of killing Williams. There is NO EVINENCE that GREG participated in the shooting of williams, 10 directly or indirectly. There is no evidence that GREG 11 Aided And Abethed AN Attempt to kill Williams. There is 12 NO WEAPON OR physical Evidence linking GREGS to the shooting 13 of Williams, There is no evidence that GREG EVEN 14 Suspected that FAIN, Diggs OR ANYONE Else had ANY CRIMINAL INTENT TOWNERS Williams, And CERTAINLY NO 16 EVIDENCE HAT he showed in any criminal intent toward her. FURTHERMORE, just AS the Note CAMON Support the CONSPIRATOR CONVICTION, It CANNOT Supposed the Attempted 19 murder conviction. Gree's presence when FAIN delivered the pute cannot be interpreted as providing ENCOURAGEMENT to FAIN, Diggs, OR ANYONE Else to shoot 22 Williams that weeks later; And the RECONCILIATION between williams and GREG ARE PRECONCILABLE with A finding that GREG Advised OR ENCOURINGED the Attempted musder of Williams. Williams AND FAIN RECOVERED Also. 26 (RT 546-556.) Even putting Aside the RECONCILIATION

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Confinuation of "Greand I" Page #3

of Williams with FAR AND CREE, the Alterpted murder of williams was not a reasonably foresteadle consequence of Greek Standing on a popul while FAIN delivered a note and photograph to Williams.

Novetheless, motive carried supply the specific intent Ekments of Attempted murder. Not can association establish Either the requisite encouragement or whent to kill.

NOR CAN GREG'S KRIET PRESENCE AT 126 Blythdale ON the day of the shooting establish either the requisite encaragement or antent to kill, proticularly, in light of the evidence that he either frequent or lived there.

A microscopic examination of the trial transcript fails to several any evidence from which a seminable person could make a sectional sufference establishing my of the elements of conspicing to commit mucher and Attempted murder.

GREEN'S CONVICTIONS for conspiction to convict marker And Allempted murder based on absent and ox less than proof beyond A reasonable doubt of every element of the Acoust crimes violated his right to A fair total and due process under the Fifth and Fairteenth Amendments of the United States Carstitution.

Based on the above, the court must grant habens
pelief to Grees. And enter A judgment of Acquital.
Acquital is required because, At the close of the
prosecution's case-in-chief, the trial court improperly

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Continuation Of "Ground I"; Proje #9

dervised Green's California Penal Code sec. 1118.1 motion for

judgment of requital. (CT 48,55; RT 1031-1037.)

Reversal Alone is not an integuate remedy because a retain!

could then result, which would violate the state and

federal constitutional prohibitions against double jeopardy.

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7. Ground 2 or Ground 2 (if applicable): GROUNU 2"; Page # 1
- Crea's right to a Frie Tain and Due Process, as guaranteed under the
Fifth And Fourteenth Amendments of the United States Constitution, was V.
when the prosecutor maliciously and intentionally introduced false a
unsupported and descriptful material statements at trial.
a. Supporting facts:
It was prosecutorial misconduct and malicious
prosecution for Floyd "Andrews," A formal San Francisco
persecutor, to introduce false and unsupported and deceitful
material statements at trial to acquire GREG'S CONVICTIONS
for conspiracy to commit murder and Attempted mureder.
PROSECUTOR ANDROWS fishe AND UNSupported material
Statements in his "Closing Arguments" at trial were so improper
that it infected the trial with unifarriess as to make
GREC'S CONVICTIONS A devial of due process And a fail treial.
In closing, Andrews told the jury that Wanda FAIN
Whate the Note "for GREGORY BROWN," (RT 1349.) And
" he (GREG) CAN get her (Robin Williams) out to
JEREOLD AVENUE AND Shoot hER AND LEAVE HER DEAD
through the other two (Would Fain and Joseph Diggs)" (RT
1349.) Andrews firether repentedly exhorted the jury to being
" A " quith" weedict not beed on the Evidence but "Becouse
(SEE Continuation, Additional Page)
Supporting cases, rules, or other authority: DARden V. WARNERIGHT, 477 U.S. 168 (1986); Brecht V. Aberhansen,
509 U.S. 619 (1993); DONNElly V. DeCheistoforo, 416 U.S. 637
T 121 MAY 11 5 5 7 1/1 1/1 1/1 1/1 1/1 1/1 1/1 1/1 1/1 1

IN RE (MINShip, 397 U.S. 358 (1970); BERGER V. United States, 195 U.S. 78 (1935); MillER V. PAte, 386 U.S. I (1967)

Continuation Of "Grand J"; Page 2

they did it." (RT 1350) The total RECORD 95 devoid of any evidence to supposed any of those accusations. The was no evidence sutroduced at trial that showed FAIN culote the note "for GREGICLY Brown." There was NO EVIDENCE INTRODUCED At tRIAL that showed GREG had Any connection to the trip that FAIN, Diggs And Williams tock to Jerrold AVERUE. TheRE was No evidence 8 Whoduced At trial from which A RATIONAL INTERENCE may be made that GEES agreed with FAIN, Diggs OR ANYONE 10 Else to take Poble Williams' life, or to do her my hains At All. And Nowhere IN the trial record is there my 12 Evidence As to who Actually shot Williams. As demonstrated Above, not only did Andrews failed to limit the scope of his closing ARGUMENTS to the evidence presented at this but he also deliberately and consciously introduced numerous false and unsupported material statements which rested Exclusively on the issue of guilt. Additionally, Andrews' Exportations of the jury to being in a "guilty" vexdict, by ANY NEMIS OTHER THAN THE EVIDENCE, "BECAUSE they did it " Amount to malicious prosecution and SEVERAL POSTANCES of prosecutorial miscorduct becomes: (1) it was contarry to the evidence presented at trial; (2) if was AN injection of his personal opinion or belief; (3) it influenced and inflamed the jumy's prejudices 26 AGAINST GREG; (4) IT ENCOURAGED THE JURY to

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Continuation of "Ground 2"; Page #3

dispegned the court's instructions concerning innocence And quilt; And (5) it diverted the judy's Attention from 3 Vts durty to decide the CASE ON the mexit of the evidence A presented At KiAl. But, just AS Equally prejudicial, it NEgAted the fact that other people could have been responsible for 7 the shooting of Rebin Williams. On cross-Examination, 8 Williams was questioned about various persons who might 9 bear Ill will towards her. In January 1994, just 17 10 YEAR PRIOR to hex shooting, Robin Williams was considered of A RESIDENTIAL burglary, And Maried three black males 12 who were Also involved. (RT 573, 587-588, 641.) After that birglary, Corky, the boyfriend of the woman 14 whose house she had burglarized, bent her up. (RT 583.) 15 Williams had Also Execusived drug debts " The past. 16 (AT 576, 580.) However, she deried having my drug 17 debts on February 7, 1995, And did Not Remember EVER 18 being threntenied by drug dealers to whom she awed money. (RT 576, 580, 582.) She said that she knew-TRUIN BERRY At Sunsydale, but did not remember him hitting her with A gun because of some debts she owed 22 him. (RT 582) She specifically devied owing ANY 23 money to a man Named "Tails" from the Sunwydale AREA, 24 And said that she did Not Remember him coming up to

25 her the night before February 7, 1995 And pointing A

26 GUN At her. (RT 581-582.) HOWEVER, DAJNIE HAYES

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Continuation of "Ground 2"; Page #4

testified that she was talking on the telephone with a friend at her home in the Sunnydale Projects on the afternoon of February 6, 1995 when the friend said, a "Oh, my God, Tails pulled a gun on Robin." Robin is referred to Robin williams. (RT 1003.) Hayes also testified that sometime during the last couple of months thought in fixe.

Referred to Robin williams. (RT 1003.) Hayes also testified that sometime during the last couple of months thought in fixe.

Referred to Robin williams. (RT 1005.) Over the years, williams had gotten for the fights at Sunnydale. (RT 584-595.) williams had gotten for fights at Sunnydale. (RT 584-595.) williams had gotten for fights at Sunnydale. (RT 584-595.) williams had gotten for fights at Sunnydale. (RT 584-595.) williams

Andrews' false And ansupported material statements amplanted in his closing arguments, whether individually of collectively, so infected the trial outcome as to cheate a genuine effect on the jury is verdict, especially when considering the fact that the trial judge did not instead the jury to disregard the improper statements. There is absolutely no way a perioral jury could have found Green quilty of the crimes accused absent the mentioned statements in Andrews' closing.

PROSECUTOR ANDREWS" SWENTIONAL AND MALICIOUS USE OF FALSE AND DECEIT FULL MATERIAL STATEMENTS EN his "OPENING STATEMENTS" AT TRIAL WERE SO SIMPROPER HAT THEY SUFECTED THE TRIAL WITH UNFAIRNESS AS

to make GREG'S RESUlting convictions a devial of due

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Continuation Of "Ground 2"; Page #5

Document 3

1 process and a fair trial. Andrews' opening statements Alleged, "She (Robin Williams) was shot because she made A Statement to the police About Gregory Brown, whout him selling drugs, About him bring A gun. She was shot to punish her for that statement and to prevent her from testifying in fature court Appenxioners. (RT 314.) Andrews failed to introduce my evidence At trial As to why Robin Williams was shot. Houdrans Introduced No Evidence that williams was shot because she made it 10 Statement to the police "about Greevery Brown." Andrews interdiced NO evidence that Williams was shot because her Statement mentioned GREE "selling dangs." Andrews introduced No evidence that williams was shot because DER STATEMENT MENTIONED GREE "hAVING A GUN." PRILERIE INTRODUCED NO ENDEDUE that Williams "WAS shot to 16 purish here for that statement " to the police. Andrews gutroduced No Evidence that Williams was shot " to prevent her from testifying in future court APPEARANCES." FURTHERMORE, HUDREWS Completely failed to Entroduce May evidence of trial its to why Williams was shot, and there was no trial evidence 22 As to why. MOREOVER, Robin Williams trial testimony totally 23 contradicted the improper statements given by Fuckers in his opening statements, while At the same time EXONERATING GREG ON All charges relating to her shooting.

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Continuation of "Ground 2"; Page 6

1 Williams testified At trial that ON JANUARY 6, She was Visiting GREG At 126 Blytholate, when the police came. She SAW A GUN IN GREG'S hAND AND A bAG of CRACK IN the other. (RT 511.) She made A statement to the police As to what she saw. (RT 513.) Some days later she WAS At A friends house when Would "FAIN" delivered 7 A NOTE to her, Hust welnded A photo of her taken some YETHES DEFORE BY GREG. GREG WAS NOTEDLY WHEN the NOTE was delivered, standing outside on a porch. (RT 515.) 10 FAIN SAID GREG WANTED to talk to hER. (RT 517.) 11 She did Not spenk to GREG because she considered the 12 NOTE threatening And was scared. (RT 318) About A 13 WEEK And A half later, She met GREG ON the Street 14 And they spoke. He Asked her to stry out of sight, is And Not to testify At his experimy herring; and In 16 RETURN he "would take care of" her AS long AS She 17 didn't testify. (RT 519.) She was satisfied with the conversation and returned to her regular visits to 126 Blythdale, going there About every other day. She went there to talk to GREG AND they WERE friends. (RT 520.) GREG NEVER threatened her, And she believed he had no intention of husting her. (RT 557) ANDREWS WAS AWARE that Williams would testify AS She did, because it was relatively A Recitial of her preliminary henring testimony. (RT 11-16; 51-52.) Nevertheless, Andrews deliberately, consciously and

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Continuation Of "GROUND 2"; Page #7

maliciously used folse and deceifful material statements IN his opening statements to manipulate the jury. This fact is highlighted by Andraws' calculated (And successful) efforts to paint GREG AS A hEARTLESS dope dealer who has previously captured and corrupted the victim, Robin Williams. Thus, for example, in his Opening Statements AndRews Said:

> "Robin is going to tell you that she is addicted to cocaine, that she had been supplied COCAINE by GREGIOPY BROWN AND OTHER PEOPLE COCAINE BY GREGIOPY BROWN AND OTHER PEOPLE GET THAT She did A lot of things to get her poison. She'd go to Gregiopy Brown And get drugs there. She's traded drug for sex with Mr. Brown."

(RT 315, live 28; 316, line 1-7.) Of course, there was NO EVIDENCE Addiced At trial to support this ASSERTION. Absent the maliciously false and deceitful Statements embedded in Andrews opening statements, NO RATIONAL jury could have renched a quilty weedich against Green because there was simply NO evidence introduced Af trial countering him to the shooting of Robin Williams. Indeed, the improper statements created such a substantial and injurious Effect on the jury's decision AS to RENDER GREG'S CONVICTIONS UNCONSTITUTIONAL.

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Continuation of "Ground 2"; Page #8

GREET'S Right to A fARR tRIP AND DIRECTORS, UNDER the FIFTH AND FORRESTANDENTH PROCESS, UNDER THE CONSTITUTION, WAS VIOLATED AS A RESULT OF SEVERAL INSTANCES OF PROSECUTORIAL MISCONDUCT AS SET FORTH HEREIN.

BASED ON THE Above, the Court must grant labores Relief to GREEG ON this ground and enter a judgment of Acquital because there is no evidence to supposed A RE-trial.

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7. Ground 2 or Ground 3 (il applicable): Grewind 3", Page 1
· GREGI'S Right to A FAIR TRIAL AND Impartial Jury, AS GUARANTEED
under the Fifth, SIXth and Fourteenth Amendments of the United States
Constitution was violated when jurors gave intentionally false Answers
during voix dire and for covered up false statements given therein.
a. Supporting facts:
IN the present case, jurous committed misconduct when they
ENTENTIONALLY GAVE FAISE ANSWERS QUEING VIOR DIRE OR COVERED UP FAISE
Statements given therein which violated GREG'S Right to due process,
A fair trial, AN UNDIAS jury, confrontation, And A verdiet based on
Admissible trial evidence, As guaranteed by the Fifth, Sixth and
Forfeerth Amendments to the United States Constitution.
During voir dire, Mr. Fuetsch, defense counsel for co-defendant
WANDA FAIN, ASKED the jusy: "Does ANYONE have A problem or would
they have a peopless with following the instructions of the Court area
if the result that would be reached by following wishenctions of
the Court WERE CONTONEY to YOUR gut REACTION IN A CASE AS SERIOUS
AS the ONE that's charged here?" (RT 132, lives 3-8.) The only jump
who indicated he would have a problem with following the Court's
Pustauctions is jurce John Elwad. (RT 132-133 (from live 3 of 132 to live
12 of 122). 112 112/ be - 1 = 11 0 1112 + 1' - 50 1 112) cord water and water
13 of 133); 142-143 (fear line // of 142 to line 28 of 143); 158-159 line 28-13).
During voir dire, Mr. Zilversmit, defense counsel for co-defendant
Joseph Diggs, Asked jueges MR. CASHILLO, MS. Owns, MS. Snith, and
(SEE CONTINUATION Additional PAGE)
Supporting cases, rules, or other authority:
TRUIN V. Dowd, 366 U.S. 717 (1961); BREELH V. ABRAHAMSON, 509 U.S.
619 (1993); Darvelly V. De Christoforo, 4/6 U.S. 637 (1974);
IN RE Winship, 397 U.S. 358 (1970); CARton V. Kentucky, 450 U.S.
4 - 1/2

1 Me. Bower if they heard the judge's instruction on the
2 presumption of invocance and whether they would be able to
3 vote Not guilty assuming there was no evidence to the
4 Contrary; each judge indicated they would. (RT 136-137.)
5 Me. Zilversnit also asked the judy if they would be able
6 to vote Not guilty if the presecution failed to preduce
7 evidence of the defendants' guilt beyond a retriniable doubt;
8 None of the jurges indicated to the contrary. (RT 140-141.)
9 During vin dire, Me. Arian, Gree's trial defense
0 Counted, asked the jury if any of them are confused about

the "difference between P more suspicion, A creating of a suspicion and continue of a suspicion and continue evidence that convinces beyond A LOASONABLE doubt"; NONE of the JUNOUS Indicated

Confusion (FT 147.)

As demonstrated in the overning chekentiens of juncar John Elixed, juncar Karen Pemberton, and Magne Richard, Gree's trial defense investigator, the juny finited to assuer questions hinestly ching wir dire regarding whether or not they would follow the court's instead in s.

Following the verdicts, All the defendants, Excluding

Ground, us well as All other Grounds set forth in these

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Green, filed motions for pers trial, Alleging among others

PAGES, WAS NOT RAISED IN the motions for NEW third by defense counsely NOR ON direct Appeal.

Continuation Of "Ground 3"; Page #3

Juca KAREN Pembertow, in her declaration given to Causel for co-defendant Joseph Diggs states among other things:

During, deliberations, a jusce had a bus schedule with them. We looked at the Schedule And we talked about how long the bus , Ride took, when they (Robin, which & Joseph) got on the bus, Abid how lows it took to get whose they were going ...

when we went into the jury After arguments, some people were saying " they don't have A case." I originally believed they were talking about the presecution. But later, I certical that more than half of the jurious were talking about how the defense had Not prover Hair CASE.

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(CT 453-454.) The clear imposet of this discussion between jures is that they did not apply the count's 16. INStruction on the burden of pruf in A CRIMINAL CASE. 17 (CALTIC Nos. 2.61, 2.90, 2.91; CT 334, 340-341; RT 1219, 1222-1223. Also, SEE, RT 93-94.) TUROR KAREN P. Also Advised Maggie Richards, Gees's investigator, that "A couple" of juroes commented on Gree's failure to testify in his own defense heing an indication of his guilt. (See MAGGE Richards suren declaration At, CT 473-474.) The Estauctions placing the harden of proof in the prosecution ARE grounded in the Due Process Clause of the 25 FOURTEENTH AMERICANEXIT Of the United States Constitution 26 ANUL play A vital Role in the AMERICAN SCHEME of CRIMINAL

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Continuation of "Ground 3"; Page #4

procedure. The jurors clearly disobeyed the courts Pristructions REGARDING MEDEN of proof when, According to the declaration of jurer KAREN P. MORE than half the jucoses said, during deliberations, that the defense had NOT PROVEN their CASE. There is Nothing in the record to suggest that the credibility of KARENP'S declaration on this issue was questioned, And it containly was not 8 Countered. There is NO CASE law or other suthority that GREG 45 AWARE of that states that the declaration of A Single jurce cainot Establish misecularly that offending juliurs must be identified by NAME, OR that all twelve jupors must discher court instructions in order to Establish misconduct. Indeed, one junca is except. The instruction that no inference is to be drawn from a defendant's failure to testify is granded in the Fifth and Foulteenth Amendments of the United States Constitution. The jury was instructed as follows: "A defendant in a criminal trial has a constitutional Right Not to testify. You must not deaux ANY Suference from the fact that it defendant does not testify. Further, you must weither discuss this matter NOR PERMIT It to exter into your deliberation in any WAY. " (CALJIC 2.60; CT 333; RT 1219.) The JUKORS inisconduct in disobeying this instruction was inherently

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AND SUBSTANTIALLY likely to liAVE INFlUENCED AND biASED HAVE

Continuation Of "Ground 3"; Page #5

givelved juries so is to prejudice Grea.

There nee hardly two matters more basic to a face jury trial than the grinciples embodied in the instructions referred to above.

JURINE John Elwood, IN his declaration given to.
Coursel for co-defendant Joseph Diggs states under outh
Among other things:

During our deliberations we pregnered A time live ... for the evening of the insident, whe were practicularly conserved with the period between 7:30 pm and 8:35 pm on the right of the shooting. To help reconstruct what happened during that period, we consulted this second during that Jurous Alvin Bernstein' and Mannell Benemann's trought in on the second day of deliberations. These schedules provided us information about the intervals before the buses and the frequency cuth which buses Came; this information about the intervals before the first information about 8:35 pm on the pight of the shooting ...

There was also discussion whent, recess to guns which was he reference to defendant Great Beauty prior Airest.

There were Also discussions about defendant GREG BROWN besty A claug dealer and his proposity for violence and drugs and that kind of lifestyle. This was mostly in reference to defendant Brown's state of mind.

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₹EAO 72 (Rev. 8/82) Some jukes Also discussed that As A day dealer, Brown's state of mind may be timsted and power hungay. Some jukers also discussed that As A drug dealer, Brown might feel that there would be No consequences to his actions of he killed Robin Williams. The jukers who brought up discussions of def. Brown's lifestyle were reminded by other jukors that this line of discussion was speculation and could Not be considered in deliberations.

Someone Also made reference to the fact that if you do creek cocaine, it does Not memo you lose your memopy.

(CT 451-452.) This streement taken on its face is charly judge bias of the worst soct in and of itself. Denotheless, judge Tordan Quens cockoberated the fact that judy did in fact disabigated and disabigated the count's instructions and considered the science of a gui and charge from defendant Green of this guilt in the charged crimes. (Declaration of Maggie Richards At, CT 473-474.)

Early in the preservations case, the trial court gave the following limiting instruction to the jury regarding the evidence seized chains the January 6, 1995 present of Green. The court polynowished:

[T] he evidence or testimony that's heavy received At this point regarding the gow and coeffice Served At 126 Blytholate on January 26 #15127, 1995, In the presence of Mr. Brown is being offered only to show motive for Mr. Brown to

Continuation Of "Gound 3"; Page #7

harm Ms. Williams. You may not consider this evidence for any other purpose At this time.

(RT 347-348) After the completion of the preserviation of All of the evidence, the court gave the jury the fellowing furtions:

Evidence was hitereduced of an appear on January 6, 1995 of defendant Greener Tream And Setzure of guns and clays from the promises of the Plytholate. This evidence was reamited and may be considered by you only for the propose of Journ a possible metric for the commission of the crimes charged. You've to consider this evidence only for the propose of determining whether such motive exists and for no other purpose. Such evidence, if befored, was not received and may not be considered by you to prove that defendant further present and may considered by you only the last a disposition to convert examples. Such evidence was received and may considered by you only the the limited purpose of determining of it tends to show a notion for the commission of the crimes charged, for the commission of the crimes charged, for the limited purpose for which you may consider such evidence, you must weigh, it in the same manner you do all other evidence in this case. You're not permitted to consider such evidence purpose.

Evidence Hut A gow was sized on Jamany & th, 1995, may not be considered by you to infer or prove that Any of the defendants had A gow on tellians was shot.

Costand evidence was Admitted for a limited purpose. At the time this testimony was admitted you were admitted you were admitted you were for for any purpose other than the limited purpose for which it was admitted. Do not consider such evidence for any purpose except the limited purpose for which it was admitted.

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Continuetion Of "Ground 3"; Page #8

(RT 1213-1215) These westerctions were also provided to the judy in weither from during their deliberations. (CT 306, 318-320, 323.)

Jurues clearly disregarded and disobeyed there Enstructions. For from limiting their consideration of the EVIDENCE of the gun And cocaside to the issue whether the had 7 A motive to Trem Williams, just discussed that the JANUARY 6, 1995 QUIN And COCATHE EVIDENCE Showed that GOET 9 had "Access to guns," was "A day dealer," had A power hungey state of mind," And felt that "there would be NO CONSEQUENCES to his Actions of he killed Robin Williams." The fact, that some jurces computed other jueces Not to consider this live of discussion does Not indicate whether any or all of the improper discussion CERSED, And there is no indication that the REMINDER WAS given by the jury foreman or otherwise CARRIED special Authority. And the reminder could not erase the previous improper discussion. The record is without any CONTRADICTORY declarations on this issue. Nor is there ANY Endication in the record that the prosecutor or the trial court questioned the credibility of jurer John Elwood's declaration on this subject.

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Continuation Of "Ground 3"; Page #9

The declaration of GREG'S trial defence suvestigatore, Maggie Richards, States, among other thrugs:

ON May 30, 1995, I spoke with juror Karen
Pemberton by telephone. At that time, she
told me she heard "a couple" jurors discussing
the fact that defendant Gregory Brown did not
testify in his own defense, and that this was
an indication of quitt.

On May 30, 1995, I spoke with juxor Alvin BERNSTEIN by telephone. He told me that in jury defiberations in juris defiberations

ON May 30, 1995, I spoke with juror Jordan T. Ower's by telephone. She told me that the jury considered as evidence of one of detendants hands shot the victim that there were guis in Goerand Brown's past, and that he was a day dealer.

(CT 473-474)

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The swar chelarations of jurces John Elwood mil karen Temberton and that of investigator Margie Richards, demonstrate that the jurces consulted bus schedules and/or maps cluring deliberations. The record shows that neither were admitted into evidence at trial. It is jurce miscouling to consider and cliscuss "evidence" other than that which was received at trial, whether a jurce acted intentionally or inadventently in being exposed to the outside source of infernation.

The jurces were also specifically instructed:

You must decide All questions of fact in this case how the exidence received in this trial and not from any other source...

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Continuation Of "Ground 3"; Page #10

You must not make any independent investigation of the facts. Nor consider NOR discuss facts as to which there's NO EVIDENCE.

(CALTIC 1.03; CT 313; RT 1210.) Clearly, the junous use of the bus schedules constituted misconduct.

Timing was AN important issue in this CASE. passiver from theory was that FAIN, Diggs And Williams left 126 Blythdale of pround 7:30 p.m., walked to the his stop, whited for the bus, soite the bus for twenty to twenty five 10 minutes, And walked A block And A half, before en defindants FAIR mid Diggs shot Williams. The wounded Williams was first discovered Around 8:30 p.m. There is no evidence that Frie or Diggs were Anywhere In sight it that time. Given All of this, plus the co-defendents desiral of any involvement in Williams shooting, the expect withour evidence regionling williams mornery problems, And the defense thereics that third praties were Responsible, the jury plainty had a question as to whether All that williams described could have hoppened within the ove hour time period. Thus, they obviously felt a week to fill in imposehout gaps in the prosecution case time live, And used the bus schedules to do so. Informed as GAES's culpability as a conspirator rested on the jury's Evaluations of the Actions of FAIN'S AND Diggs AND on the credibility and reliability of Williams testimony, the jury's consultation of the bus schedules to bolster the prosecution's CASE WAS prejudicial to GREG.

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Continuation of "Ground 3"; Page #11

The sween declaration of juege Total Elusad makes cleared that a juege injected his own outside expectise into deliberations.

The comment of a juege that if you do crack cocaine it does not mean you lose your memory is also misconduct. The relationship tetween crack cocaine use and memory loss is not a subject of commonplace knowledge. Moreover, the jurge comment is not a remsonable interpretation of expect witness psychiatrist lugare Schoenfeld trial testimony. (RT 932-935.) The jueur who made the comment regranding cocaine and memory was, charely relying on first hand experience, observation, or study. It such, his comment injected his outside expectise into the

HERE, the evidence is so very stim against Green, NOWExistent by most standard, that a very minimal amount of
exect can have a substantial weight in affecting the needed.
All that ties Green to the stanting of Robin Williams is, the
January 6 agreest, and his connection to the delivery of a
purportedly threatening note. Other than his prosince enrice
in the day, there is nothing connecting Green to the events
landing up to Williams' skoting. Absent the varieties of jury
misconduct in this case, no trier of facts could have
found Green quilty of the crimes charged.

As stated here's, the defence coursels explicitly asked the jury material questions during voir dire which the jury intervioually failed to respond hovesty to; specifically, the jury concented these unwillinguess to (1) follow the court's

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Continuation of "Grand 3"; Page #12

1 "without hours; (2) give the defaulants, preficulately blood, the
2 presumption of invocance; (3) vote not guilty if the
3 presecution failed to produce evidence of the defendants guilt
4 deyond a reasonable doubt; and (4) ascertain the
5 "difference between a mere suspicion, a creating of a
6 suspicion and creating evidence that convinces beyond a
7 reasonable doubt." (RT 132; 136-137; 140-141; 147. Also,

8 SE, His Ground At pages 1 &2.)

The jury's failure to respond howestly to the defense coursels' questions during voin dire violated Gree right to A fair teid, an imposed in jury, due process, confrontation, and a verdict based on admissible trial evidence under the Fifth, Sixth and Fourteenth finendments of the United States Constitution; and was the direct cause of the violation set forth in Ground I.

16 Breed on the Above, the Court must grant habers
17 relief to Greec on this ground Along with my other
18 relief the Court deems fare and just.

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7. Ground 2 or Ground 4 (if applicable): GROUND 4; Page #1
GREE'S Right to Effective Assistance of Trial Coursel, As guaranteed under
the Fifth, Sixth and tour teenth Amendments of the United States Constitution, we
violated when coursel failed to : challenge overt acts; object to false and insugar
material statement at trial; and use preemptory challenge to exerce A hias juros
a. Supporting facts: TRiAl CUMSELS friture to make AN obvious challenge of week Acts
Constitutes weffertive taid representation.
the overt Acts to his motion to dismiss (Calif. Penal Code Sec. 995
motion). (CT 70, 152; RT 27.) To suppose A clime of congricacy,
the prosecution must prove the countission of an overet act by our
OF MOSE of the parties engaged in the agreed upon conspicacy.
IN this CASE, ONly four overt Acts in support of the conspicacy
was settled to GREG. (No. 2, 4,5, and 6.). Overet set No. 2
Alleged that Green took a photo and gave it to Works FAIN;
No. 5 Alteged that GREG ENCOURAGED FAIR And Joseph Diggs to
MURDER Robin Williams; And No. 6 Alleged that GEG And
FAIN RESIDED At 126 Blythdale. (CT 1-4.) As stated IN
"Ground I" and supported by the record, there was no finding
of overt met No.6; NO EVIDENCE to support No.5; And Nos. 2
And 4 fail because (1) there is no evidence of an experiment
(SEE Continuation, Additional PAGE)
Supporting cases, rules, or other authority: Sheckland V. Washington, 466 U.S. 668 (1984); BRECHT V.
Abeahamson, 507 U.S. 619 (1993); DONNElly N. DeCheistofores, 4/6
U.S. 637 (1974);

Continuation Of "Ground 4"; Page 2

1 between GREGI AND ANYONE to commit mucher and (2) they do not meet the legal requirement of an overt Act. 3 In light of the fret that Green pled not guilty to the CRIMES ACCUSED (CT 9-11), ANY REMSONABLY Effective 5 counsel would have moved to challenge All Endence Against 6 his client in which the prosecution relies upon to obtain A CONVICTION. It is REASONABLE to ASSUME that had counsel 8 challenged the overt Acts, the prosecution would have 9 how forced to produce sufficient evidence to support oach 10 Act OR RUW the Risk of having one OR more Acts dismissed. As shown herein, the mentioned overt nots were either not 12 Acts in And of themselves or unsupported or lacked 13 fending. Therefore; had counsel challenge the overt Acts it is more than likely that one or more or all of the Acts would have been dismissed which would have further weaken the prosecution's case or resulted in the entire case against GREE bethy dismissed, because, the essence of a conspiracy lies within the commission of AN overt Act.

HERE, the prosecution's CLASE Agranist GREG. 95 NON-EXISTENT by most standards, therefore, A minimal of excor such As the failure to challenge the overt sets contributed to And preximately caused the subjection of Great to my unfait trial, A bias jury, prosecutarial misconduct, and a conviction on less than proof beyond A REASONAble doubt. Coursel's failure to challenge the overt acts in question mount to detective mil "reflective representation.

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Continuation Of "Ground 4"; Page #3

Trial counsel's failure to make meritarious objections to false and unsupported material statements at trial constitutes

3 Weffective trial Representation.

As stated in "Ground I" mil supported by the record, In closing ARGUMENIAS, the prosecutor told the jury that Wands FAIN whote the Note "for GREGORY BROWN," (RT 1349.) And "... he (GREGE) CAN get her (Robin Williams) out to Jerseld Avenue Aid shoot hex And leave hex dend through the other two (FAIN And Joseph Diggs)." (RT 1349.) The prosecutor further repentedly exhorted the jury to bring in A "quilty" vexdict, not bised on the evidence, but "RECAUSE they did it." (RT 1350.) There was not A scintilla of evidence presented at trial that supports ANY of those false material Statements. Any REASONABLY effective coursel would have forvertly objected to each mul every one of these improper statements, particularly, To light of the fret that closing reguments are limited to the Issue in the CASE And the evidence that has been presided. Coursel's now-objections to the filse And UNBERPERFED MATERIAL STATEMENTS Allowed the prosecutor to: (1) ARGUE facts that ARE Not supported by the evidence in the record; (2) inject his personal beliefs AND OPINIONS; (3) INFLUENCE AND INFLAME the july's prejudices Against GREG; (4) ENCOURAGE the jury to diskegard the courts Instruction regarding innocence And quilt; And (5) divert the jury's Attention from

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Continuation Of "GROUND 4"; Page #4

its duty to decide the case on the merit of the evidence 2 presented At trial. Moreover, coursels Non-objections give 3 credence to the preservator's basiless opening statements.

Had coursel objected to the improper statements, the objections would have undoubtedly pessitted in the 6 judge ordering the jury to disregard the statements which I would have put the jury on notice that they me not 8 Allowed to consider the Emproper Statements, and that alowe could have changed the outcome of the trial. However, 10 Coursel's failure to object to the false and unsupported II material statements resulted In and contributed to and 12 PROXIMATELY CAUSED GICEO'S CONVICTIONS FOR the ORINES 13 Accused and subjected him to an unspore trial, a bias jury, PROSECUTORIAL misconduct, And A conviction on less than 15 proof beyond a reasonble doubt. Counsel's now-objections to the Statements IN question amount to defective and 17 Moffective Representation.

Trial coursel's failure to use greenphay Challenge to excuse a potential bias jurce from the jury prived constitutes ineffective trial representation.

HERE, during voir dire, jurse John Elwood was questioned And Answered As follows:

Me. Fuotsch (Co-defendant Wanda FAIN's defense coursel): "DOES ANYONE have A problem or would they have A problem with following the instructions of the Court even if the result that would be reached by following the

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Continuation of "Exound 4"; Page 5

INStructions of the Court were conterry to your gut REACTION IN A CHEE AS SERIOUS AS the Hot's charged here?"

PROSPECTIVE JUROF: "I Hink I would have A problem with it.

Me. Fuetsch: " ... could you explain what you mean by you would have a problem with that?

Prospective JURUR: "I believe there's A higher Authority than legal authority that is like mural authority, And to follow like A set of Rules RATHER THAN MORE Of A 10 MORAL thing, I think I would be hardpressed to fellow the SET of Rules that ARE outlined by law.

"... but I think if you misconstrue the constitution OR ERONDEN its rectural Authority, then I think that could be potentially wrang."

(PT 132-133.)

Me. AciAN (GET'S TRIAL COUNSEL);

"MR. Elwood, I haved you say something about broadening the Authority of the constitution. Do you recall that comment?"

Prospective JUROR: "I do."

MR. ARIAN: "I WONDER If YOU COULD SAY ANY MOCE About that. I didn't get your complete thought.

PROSPECTIVE JUROR: "My thought 95 A lot of, let's SAY, SOME body 's ON triAl, the jurors sit through the ENTICE trial, they have a gut feeling that these defendants ACE, let's say, quilty, but A lot of circumstantial

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Continuation Of "GROUND 4"; Page 6

EVILENCE has been brought in AND 9t's been found -- OR A 2 legal PSSUE has been brought up, A minor legal PSSUE that 3 Spenks to their innocence. You're supposed to think they're innocenit even though they're guilty, because it's A legal regument and It takes precedence over how you fee!" Mr. ARIAN: " YOU'RE SAYING that AS A JUROR YOUR GUT REACTION 95 VERY IMPORTANT AND YOU'RE GOING to pay A lot of Attention to that?" PROSPECTIVE JURGE: "If you've listened to All the facts and you say, yes, they are innocent or quilty, but Some legal precedence makes you dismiss that, then I have A big groblem with that. MR. ARIAN: "You might Not be Able to do that?" 13 Prospective Turca: "No, I would not. MR. ARIAN: " Would that hold of the judge At the close of the CASE PRISTRUCTED YOU HAT YOU WERE to CONSIDER HIS EVIDENCE IN A CERTAIN WAY AND THE INSTRUCTIONS of the -judge went counter to the feelings you just described. PROSPECTIVE JUROR: "I REAlly don't know sitting here right NOW." Mr. ARIAN: "Would you have trouble with 84?" PROSPECTIVE JUROR: "I would have major problems." (RT 142-143.) The Court: " At this point does my party wish

to ENTER A Challenge for CAUSE?

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26 therefore, it is REASONABLE to ASSUME that Elwood's

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But before you do that; Mr. Elwood, I was little UNCLEAR About your Statements. Let me just pend this question to you again:

It Isic] important that I have your Assurance that you will without RESERVATION follow my ENSTRUCTIONS AND

Pulings on the law and will spely that low to the case.

To put it differently, whether you appeare or disappeare of my instructions, it is your solomn duty to Accept is

correct my Statements of the law. You may not

substitute your own idea of what you think the law ought to be.

would you be Able to follow the law AS givEN

by me IN this coase?"

PROSPECTIVE JURGE: "I would, but I may have A problem with that, interval conflict.

(RT 158-159)

As demonstrated, jurier Elwood's responses during Vine dies were existe and mislembly and concealed his UNWIllinguess to follow the country sustauctions. Any REASONABLY Effective coursel would have used A pREEMPTSEL challerge to Excuse jupor Elwood from the jury panel as a Result of his explicit or implicit Allegiance to his "gut" feelings opposed to the law and instructions given by the court. Microver, Elward's declaration illustrates AN Abundance of jurce misconduct (CT 451-452),

Continuation of "Ground 4"; Page #8

RELIANCE ON his gut feelings during deliberations, RATHER
than the Court's instructions, was influential in the jury's
decision to find Green guilty of the crimes charged,
particularly since the verdicts were contrary to law.
Counsel's failure to excuse potential bias Elwood from
the jury panel contributed to and proximately caused
Green's deprivation of a fair trial and impartial jury.

GREG'S Right to effective Assistance of trial coursel as guaranteed by the Fifth, Sixth and Fourteenth Pomendoments of the United States Constitution was violated when counsel failed to (1) challenge the overt acts; (2) object to false and unsupported material statements at trial; and (3) use pre-emptory challenge to excuse the bias juror John Elwood from the jury panel.

(Altachment No. I affixed here to 85 exact copies of the court and the reporter's transcripts referred to 90 this ground.)

Based on the Above, the Court must grant habers relief to Greek on this ground Along with any other relief the Court deems from and just.

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'. Ground & or Ground a. Supporting facts:

It was defective and weffective representation of appellate
counsel when counsel failed to paise an append the following
NON-fequolous issues: (1) GAGG'S CONVICTIONS ARE BASED ON LESS
than proof beyond a reasonable doubt of every Element of
the changed crimes as fully set forth herein at Ground ONE;
(2) the prosecutor committed several instruces of prosecutoria
misconduct as fully set firth herein at Ground Two;
(3) the jury failed to respond howestly to the defense
counsels questions during voir dire as fully set firth herein
At GROUND Three; And (4) trial counsel was ineffective
when he failed to challenge the overt Acts in support of the
conspicacy charge; failed to object to the false and
unsupported and descripted material statements presented
At trial by the prosecutor; and failed to use preemptory
Challenge to excuse jurge John Elward, As fully set forth
herein At GROUND FOUR. Nowe of these issues ARE frivatous.
(SEE CONTINUATION, Additional Page)
Supporting cases, rules, or other authority: Smith V. Robbins, 528 U.S. 259 (2000); Beecht V. Abrahamson,
507 U.S. 619 (1993); Dewelly V. De Christoforo, 416 U.S. 637
(1974)

PETITION FOR WRIT OF HABEAS CORPUS

Page four of six

Continuation of "Ground 5"; Page #2

Any REASONAbly effective Appellate coursel would have paised each of the mentioned issues on direct appeal to require the REVERSAL of the lower Court's judgment. Appellate counsel paised the following claims on Appeal: insufficient evidence to prove conspiracy to commit murder; insufficient evidence to prove Attempted murder; jury misconduct; remail for 8 RESENTENCING UNDER PEOPLE V. SupERIOR COURT; AND joinder in co-defendants arguments. Had Coursel INCORPORAted the mentioned NON-frivolous issues gute the appellate beief, the issues would have provided evidentiary support for the claims raised therein and contributed to the perseverance of A SUCCESSful Appeal. However, Appellate counsel's failure to paise the issues in question deprived GREG of A prosperous and triumphant appeal and the Right to effective Representation of counsel on append IN violation of his Fifth, Sixth and Fourteenth Amendments of the United States Constitution. Based ON the Above, the Court must grant habers pelief to GREG ON this ground and any other relief the Court deems fair And just.

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8. Did you appeal from the conviction, sentence, or commitment? Yes. No. If yes, give the following information: a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):
Court of Appeal of the State of Calif., First Appellate District, Devision Four
b. Result Affirmed c. Date of decision: TANUARY 28, 1993
d. Case number or citation of opinion, if known: No. A072126
e. Issues raised: (1) INSUfficient evidence to pear conspictory to commit murder;
(2) Insufficient evidence to prove Attempted murder; (3) They Misconduct; (4) Reman
FOR RESENTENCING UNDER PEOPLE V. Superior Court; AND (5) JOINDER IN CO-defailant
1. Were you represented by counsel on appeal? Yes. No. If yes, state the attorney's name and address, if known:
Victor Blumenkrantz; P.O. Box 9586; Berkeley, CA 94709
9. Did you seek review in the California Supreme Court? Yes No. If yes, give the following information:
a. Result DENIED b. Date of decision: April 29, 1998
c. Case number or citation of opinion, if known: 5068320
d. Issues raised: (1) SAME A3 Above
(2)
(3)
0. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal: The Pssues Raised here in ARE based on matters guiside the record an superior.
TRIAL And appellate course's well ineffective in failing to paise these issue
 Administrative Review: If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See In re Muszalski (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:
b. Did you seek the highest level of administrative review available?

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12. Other than direct app eal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? Yes. If yes, continue with number 13. No. If no, skip to number 15.
13. a. (1) Name of court Superior Court of Son Francisco
(2) Nature of proceeding (for example, "habeas corpus petition"): Habeas Corpus Petition"
(3) Issues raised: (a) (SEE: Attachment No. 2 Affixed hereto.)
(b)
(4) Result (Attach order or explain why unavailable): DENIED; SEE Allachment No. 3
(5) Date of decision: 1244 30, 2007
b. (1) Name of court: Court of Agreed of the State of California
(2) Nature of proceeding: Habers Colpus Petition
(3) Issues raised: (a) (SE: Attachment No. 2 Affixed hereto.)
(b)
(4) Result (Attach order or explain why unavailable): Devised; SEE Attachment No. 4
(5) Date of decision: The State of the state
c. For additional prior petitions, applications, or motions, provide the same information on a separate page.
14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See <i>In re Swain</i> (1948) 34 Cal.2d 300, 304.) (SEE: Attachment No. 2 Afficial Keleto.)
·
6. Are you presently represented by counsel?
7. Do you have any petition, appeal, or other matter pending in any court?
8. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:
The petition was devied by the Superior Court of SAN TRANCISCO
And by the Court of Appoint of the State of Catifornia.
, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California hat the foregoing allegations and statements are true and correct, except as to matters, that are stated on my information and belief, and as to those matters, I believe them to be true. When powerfully of pergupy I also declare that
HACKMENTS ARE What I declare then to be. Sheavy L. Brown
SIGNATURE OF PETITIONER)

DOCLARATION OF SERVICE

Document 3

CASO NAME:	GREGIORY L. BROWN	V.	Wheelow, SMF-Corcorn Prison
CASE No.:			

I declare:

ON JUNE 23, 2007, I served the Attached: GREG'S PetitiON FOR West Of HABORS CORPUS by placing A TRUE COPY thereof enclosed IN A SENTED ENVELOPE with postage thereon fully peopoid, IN the prison mail collection system At OSATF-CORCORAN, IN CALIFORNIA, Addressed AS follows:

> 1.) FIRST District Court of Appenl 350 Mc Allister SAN FRANCISCO, CA 94102-3600

2) Office of the Alloguey General 455 Golden Gifte Ave. Ste. 11000 SAN FRANCISCO, CA 94102-3364

I declare under penalty of perajury that the foregoing is true and correct.

DAte: 6/23 /07

Gregory L. Brown Greenberg L. Brown 94

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under penalty of perjury I declare that the affixed supporting documents are exact copies of what I declare them to be as set forth and the said petition.

Greecy L. Brown, the appellant, declare under penalty of perjury that the foregoing is true and correct.

Date: 6/23/07

Respectfully submitted, Greedey L. Brown, Creedey L. Brown, Appellant

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ATTACHMENT 1

San Francisco County Superior Coun

MAR 1 7 1995

SUPERIOR COURT OF THE STATE OF CALIFORNEX:

CITY AND COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE OF CALIFORNIA,

NO. 159271

Plaintiff,

vs.

F. ANDREWS

GREGORY BROWN, WANDA FAIN and JOSEPH DIGGS,

INFORMATION

Defendants

COUNT I:

GREGORY BROWN, WANDA FAIN and JOSEPH DIGGS

are accused by the District Attorney of the City and County of San Francisco, State of California, by this Information, of the crime of felony, to wit: VIOLATION OF SECTION 182.1 OF THE CALIFORNIA PENAL CODE committed as follows: The said defendants on or about the 7th day of January, 1995 to the 7th day of February, 1995, both dates inclusive, at the City and County of San Francisco, State of California, did wilfully and unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of MURDER, in violation of Section 187 of the Penal Code, a felony; that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendants committed the following overt act and acts at and in the County of San Francisco:

OVERT ACTS

OVERT ACT NUMBER 1

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Wanda Fain did write a note containing threats against Robin Williams.

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People v. Gregory Brown, et al.

SC 159271

Page 2

OVERT ACT NUMBER 2

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Wanda Fain did put the note in an envelope with a photograph of Robin Williams which was taken by defendant Gregory Brown and which was given to Fain by defendant Gregory Brown.

OVERT ACT NUMBER 3

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Wanda Fain did deliver the threatening note and photograph to Robin Williams.

OVERT ACT NUMBER 4

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Gregory Brown did accompany defendant Wanda Fain to deliver the threatening note to Robin Williams.

OVERT ACT NUMBER 5

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Gregory Brown did encourage defendants Wanda Fain and Joseph Diggs to murder Robin Williams.

OVERT ACT NUMBER 6

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Gregory Brown, Wanda Fain and Joseph Diggs did reside at the same address of 126 Blythdale Street in San Francisco.

OVERT ACT NUMBER 7

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendant Wanda Fain did provide cocaine base, also called "crack" cocaine, to Robin Williams.

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People v. Gregory Brown, et al.

SC 159271

Page 3

OVERT ACT NUMBER 8

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendant Wanda Fain did encourage Robin Williams to go to Jerrold Street with defendants Wanda Fain and Joseph Diggs.

OVERT ACT NUMBER 9

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did get on the Number 15 bus with Robin Williams.

OVERT ACT NUMBER 10

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did exit the bus with Robin Williams at 3rd and McKinnon Streets in San Francisco.

OVERT_ACT NUMBER 11

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did take Robin Williams with them to Jerrold Street with the intention of murdering Robin Williams.

OVERT ACT NUMBER 12

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did walk on Jerrold Street approaching Quint Street with Robin Williams.

OVERT ACT NUMBER 13

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that while walking with Robin Williams defendants Wanda Fain and Joseph Diggs did shoot Robin Williams in the back of the head with a 9mm semi-automatic pistol.

People v. Gregory Brown, et al.

SC 159271

Page 4

OVERT ACT NUMBER 14

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did shoot at Robin Williams again while she was lying on the ground.

<u>USE OF FIREARM ALLEGATION PURSUANT TO PENAL CODE SECTION 12022.5(a)</u> [As to defendant JOSEPH DIGGS only]:

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, JOSEPH DIGGS, personally used a firearm, to wit, a 9 mm semi-automatic pistol, within the meaning of Penal Code Section 12022.5(a) and also causing the above offense to be a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

ARMED WITH A FIREARM ALLEGATION PURSUANT TO PENAL CODE SECTION 12022(a)(1)[As to defendants GREGORY BROWN and WANDA FAIN only]:

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm, to wit, a 9 mm semi-automatic pistol, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

ALLEGATION OF FELONY COMMITTED WHILE ON BAIL AND ON OWN RECOGNIZANCE PURSUANT TO PENAL CODE SECTION 12022.1[As to defendant GREGORY BROWN only]:

It is further alleged that the defendant, GREGORY BROWN, committed the above offense while he was released from custody in a felony offense, on bail and on his own recognizance, within the meaning of Penal Code Section 12022.1.

COUNT II:

The said defendants GREGORY BROWN, WANDA FAIN AND JOSEPH DIGGS, are further accused by the District Attorney of the City and County of San Francisco, State of California, by this Information, of the crime of felony, to wit: VIOLATION OF SECTION 664/187 OF THE CALIFORNIA PENAL CODE committed as follows: The said defendant on or about the 7th day of February, 1995, at the City and County of San Francisco, State of California, did wilfully, unlawfully, and with malice aforethought attempt to murder ROBIN WILLIAMS, a human being.

SUF	PERIOR CO T IN THE CITY AND C	COUNTY OF	SAN F ICISCO - MINUTES +	009
People of the State of Cal	ifornia vs. GREGORY L. BROWN			X Present
SC #	Assistant DA of Record		Attorney of Record	
<u>159271</u> –01		Present	S. ARIAN	X Present
	Clerk		Judge	
	JOSIE C. ROQUE		DAVID A. GARCIA	
Reporter				
JOSEPH H. VICKSTEIN#4780, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103				

Cause on Calendar for Arraignment Special appearance by G. KOELLING, DA for the Assistant DA of Record. Defendant has retained ARIAN/S, Esq.

Count	Code	Section	Degree	MC #	Plea
1	PC	182.1/F		01563370	NG
2	PC	664.187/F		01563370	NG

Defendant waives formal reading of the information.

Defendant is duly arraigned. Not guilty plea(s) as to each count and denial of any and all allegation(s), entered.

The defendant declares his/her true name to be that stated in the accusatory pleading.

Cause is ordered continued to 04/24/95 at 09:30 a.m. in Department S22 for Trial.

Dept. S22 Date 03/20/95 Page 1

Attest: JOSIE C. ROQUE /03 Deputy Clerk

				
SUF	PERIOR COUNTY OF	SAN F ICISCO - MINUTES	0.10	
People of the State of Cal	ifornia vs. WANDA LOUISE FAIN	•••	X Present	
SC /	Assistant DA of Record	Attorney of Record		
159271-02	. Present	F. FUETSCH	X Present	
	Clerk	Judge		
JOSIE C. ROQUE DAVID A. GARCIA				
Reporter				
JOSEPH H. VICKSTEIN#4780, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103				

Cause on Calendar for Arraignment Special appearance by G. KOELLING, DA for the Assistant DA of Record. Court has appointed FUETSCH/F, Public Defender.

Count	Code	Section	Degree	MC #	Plea
2	PC	664.187/F	1	01559424	NG
3	PC	245(A).2/F		01559424	NG
1	PC	182.1/F		01559424	NG

Defendant waives formal reading of the information.

Defendant is duly arraigned. Not guilty plea(s) as to each count and denial of any and all allegation(s), entered.

The defendant declares his/her true name to be that stated in the accusatory pleading.

Cause is ordered continued to 04/24/95 at 09:30 a.m. in Department S22 for Trial.

03/20/95 S22 Date Page 1 JOSIE C. ROQUE Deputy Clerk Attest:

· · · · · · · · · · · · · · · · · · ·				
SUF	PERIOR CO IN THE CITY AND	COUNTY OF	SAN FE CISCO - MINUTES	011
People of the State of Cal	ifornia vs. JOSEPH DIGGS			
SC #	Assistant DA of Record		Attorney of Record	
159271-03	F. ANDREWS	Present	MARC SILVERSMIT	X Present
	Clerk		Judge	
	JOSIE C. ROQUE		DAVID A. GARCIA	
Reporter				
JOSEPH H. VICKSTEIN#4780, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103				

Cause on Calendar for Arraignment Special appearance by G. KOELLING, DA for the Assistant DA of Record. Court has appointed SILVERSMIT/MARC, conflict counsel.

Count	Code	Section	Degree	MC #	Plea
2	PC	664.187/F	. 1	01559442	NG
3	PC	245(A).2/F		01559442	NG
4	PC	12021A1/F		01559442	NG
1	PC	182.1/F		01559442	NG

Defendant waives formal reading of the Information.

Defendant is duly arraigned. Not guilty plea(s) as to each count and denial of any and all allegation(s), entered.

The defendant declares his/her true name to be that stated in the accusatory pleading.

Cause is ordered continued to 04/24/95 at 09:30 a.m. in Department S22 for Trial.

| 105 | Dept. | S22 | Date | 03/20/95 | Page | 1 | | Deputy Clerk

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San Francisco County Superior Count

STEPHEN ARIAN, Attorney at Law State Bar No. 38939 Pier 33 South, #200 San Francisco, CA 94111 (415) 434-1550

MAR 24 1995

ALAN GARLOON, Clerk:

BY: 200 Proporty Clerk

Attorney for Defendant GREGORY L. BROWN

SUPERIOR COURT OF THE STATE OF CALIFORNIA CITY AND COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE OF CALIFORNIA,) No. 159271-0/

Plaintiff,) NOTICE OF MOTION FOR DISMISSAL OF COUNTS I AND II OF THE INFORMATION UNDER SECTION 995

GREGORY L. BROWN,) OF THE PENAL CODE

WANDA FAIN, and JOSEPH DIGGS,) Date: April 7, 1995

Defendants.) Defendants. Dept: 23

To the District Attorney of the City and County of San Francisco and to FLOYD ANDREWS, Deputy District Attorney:

PLEASE TAKE NOTICE that on the 7 day of April 1995, at 9:00 A.M. or as soon thereafter as the matter may be heard in Department 23 of the above entitled court, defendant GREGORY L. BROWN, through counsel will move the court for dismissal of Count I and II of the indictment herein as it relates to said defendant GREGORY L. BROWN, and to strike the enhancement allegations as they relate to said GREGORY L. BROWN, all under Section 995 of the California State Penal Code.

This motion is made on the grounds that there is no competent evidence to show probable cause to hold defendant

BROWN 2/995

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SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE OF	CALIFORNIA VS.	ACTION NO. 15927	1
		F. Andrews	
		ASSISTANT D.A.	PRESENT
GREGORY L. BROWN		S. Arian	
DEFENDANT	PRESENT	DEFENSE COUNSEL	PRESENT
WANDA LOUISE FAIN	-2	F. Fuetsch PD	
DEFENDANT	PRESENT	DEFENSE COUNSEL	PRESENT
JOSEPH DIGGS	-3	M. Silversmit	
DEFENDANT	PRESENT	DEFENSE COUNSEL	PRESENT

CAUSE ON CALENDAR Mo. 995 PC (all); Mo. handwriting exemplar (Diggs) Mo. discovery (Diggs); Motion for joinder in motions (Fain, Brown)

9:15 A.M.

The Court grants motion for joinder.

The Court grants the motion for discovery in part.

The Court grants the motion for handwriting exemplar.

9:30 A.M. The Court orders the matter continued to 1:30 P.M. for hearing on 995 PC motion. 2:50 P.M.

Hearing resumes. The Court grants the 995 PC motion as to defendant BROWN (Great Bodily Injury Allegation only). The 995 PC motion is denied in all other respects.

Defendants are given standing to participate in the 1538.5 PC hearing in case #159194 (Gregory Brown) Copy of proceedings had in that matter are attached and incorporated herein by reference.

> DATE Apri/1/5, 1995 DEPT. 27 PAGE DEPUTY CLERK

> > 107

CRM-04 (8/89)

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MARC J. ZILVERSMIT, ESO.
RIORDAN & ROSENTHAL
Attorney At Law
523 Octavia Street
San Francisco, CA 94102
Telephone: (415) 431-3472
```

Attorney for Defendant JOSEPH DIGGS

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN FRANCISCO

THE PEOPLE OF THE STATE OF CALIFORNIA No. 159271 Plaintiff, DECLARATION OF

vs. JUROR JOHN ELWOOD

JOSEPH DIGGS.

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Defendant.

I, John Elwood, declare under penalty of perjury that:

I was a juror in the case of People v. Joseph Diggs, Wanda Fain, and Gregory Brown, No. 159271.

During our deliberations we prepared a time line from January 6 to February 10 and made a time line for the evening of the incident. We were particularly concerned with the period between 7:30 pm and 8:35 pm on the night of the shooting. help reconstruct what happened during that period, we consulted bus schedules that Jurors Alvin Bernstein and Monell Beurmann brought in on the second day of deliberations. These schedules provided us information about the intervals between buses and the Cums clone i cont testing frequency with which buses came; this information, helped us fill full in our time line from 7:30 pm until 8:35 pm on the night of the shooting

Declaration of John Elwood Page 1

We also discussed a number of other things in our . deliberations. We discussed the inconsistencies between defendant Wanda Fain's statement and defendant Joseph Diggs' statement. We discussed how these inconsistencies demonstrated that at least one of them was lying.

There was also discussion about access to guns which was in reference to defendant Greg Brown's prior arrest.

There were also discussions about defendant Greg Brown being a drug dealer and his propensity for violence and drugs and that kind of lifestyle. This was mostly in reference to defendant Brown's state of mind. Some jurors discussed that as a drug dealer, Brown's state of mind may be twisted and power hungry. Some jurors also discussed that as a drug dealer, Brown might feel that there would be no consequences to his actions if he killed Robin Williams. The wars who have the discussion of cell Formus likely that the feel that if you do crack he are cocaine, it does not mean you lose your memory.

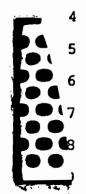
Some jurors also discussed defendant Joseph Diggs' medical condition, specifically his tremor. Juror Jordan Owens stated that this might explain how Diggs could have shot at Robin Williams and missed.

Executed this S day of JULY, 1995 in San Francisco, California.

JOHN ELWOOD Declarant

Declaration of John Elwood Page 2

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record that Mr. Brown personally did it?

MR. ANDREWS: I don't believe that with the conspiracy count I have to prove personal great bodily injury.

THE COURT: Well, you read it. It says:

"It is further alleged in the commission of the above offense said defendant, with the intent to inflict such injury, personally inflicted great bodily injury on Robin Williams." If you look at page 6 of the Information.

MR. ANDREWS: If it's plead that way, it is incorrect.

The matter is submitted.

THE COURT: All right. Is the matter submitted?

MR. ARIAN: Submitted, your Honor.

THE COURT: All right. The Court will grant the 995 Motion as to the great bodily injury allegation as to Mr. Brown. The other counts, the 995 motion is denied.

Let's go to the motion to suppress now.

All right. We will get started with it now. All right. Call your first witness.

MR. ANDREWS: Thank you, your Honor.

I will call Officer Walsh to the stand.

I will ask that Officer Jefferson be designated as my investigating officer.

THE COURT: All right.

MR. ARIAN: Your Honor, may I ask for an order excluding all witnesses?

THE COURT: Yes. All witnesses will be ordered excluded from the courtroom. You are not to discuss the testimony

instructions as it relates to how you are to conduct yourself. The process is as important as the product.

Does anyone have a problem or would they have a problem with following the instructions of the Court even if the result that would be reached by following the instructions of the Court were contrary to your gut reaction in a case as serious as the one that's charged here?

PROSPECTIVE JUROR: I think I would have a problem with it.

MR. FUETSCH: Do you feel as though -- well, actually could you explain what you mean by you would have a problem with that?

PROSPECTIVE JUROR: I believe there's a higher authority than legal authority that is like moral authority, and to follow like a set of rules rather than more of a moral thing, I think I would be hardpressed to follow the set of rules that are outlined by law.

MR. FUETSCH: Let me ask you a pointed question. If, for example, and I'm not saying it's going to happen, if, for example, in the middle of the night the police came to your home and forced their way in and just searched your house and in your home discovered bombs, machine guns, bottom making material, whatever they discovered is illegal. And the prosecution sought to prosecute you for the crime of possessing that material or that item. There are laws, of course, that allow you as an individual through your attorney or

individually to challenge the admissibility of such evidence, and the basis or reason for the law that allows you to challenge such evidence is the law of the constitution. That is, while we may not condone your conduct in possessing that, we nevertheless must hold the authorities to a very high standard. In the case I've described, that evidence wouldn't be admissible against you to convict you.

Do you think that's wrong?

PROSPECTIVE JUROR: No. In that particular case I don't think that's wrong, but I think if you misconstrue the constitution or broaden its actual authority, then I think that could be potentially wrong.

MR. FUETSCH: But in the illustration I've given you --

PROSPECTIVE JUROR: That's fine, I wouldn't have any problem with that.

MR. FUETSCH: One individual, and I think actually it was you again, indicated that you had been attacked some years ago by someone, correct?

PROSPECTIVE JUROR: That's correct.

MR. FUETSCH: And you suffered a concussion as a result of that?

PROSPECTIVE JUROR: A mild concussion.

MR. FUETSCH: Has anybody else here suffered a severe injury, say in, for example, an automobile accident or been attacked, anything wherein they've lost consciousness as a result of that injury.

All of us have ways of looking at things that control the way we lead our lives. We may think of that as a bias, but it's there. In this rather imperfect process we try to get at that a little bit, and I'm sure you'll all agree this is an imperfect process.

In that connection, and I don't want anyone, as Mr. Zilversmit said, to think that any of us are picking on you. We're really not, but when we hear things we feel the necessity within the time alotted to us to explore it.

Mr. Elwood, I heard you say something about broadening the authority of the constitution. Do you recall that comment?

PROSPECTIVE JUROR: I do.

MR. ARIAN: I wonder if you could say any more about that. I didn't get your complete thought.

PROSPECTIVE JUROR: My thought is a lot of, let's say, somebody's on trial, the jurors sit through the entire trial, they have a gut feeling that these defendants are, let's say, guilty, but a lot of circumstantial evidence has been brought in and it's been found -- or a legal issue has been brought up, a minor legal issue that speaks to their innocence. You're supposed to think they're innocent even though they're guilty, because it's a legal argument and it takes precedence over how you feel. You're suppose to follow that rather than now you feel, and you're supposed to say, yes, in fact, they're innocent when you feel they're

guilty.

MR. ARIAN: As I hear what you're telling me, and please correct me, you're saying that as a juror your gut reaction is very important and you're going to pay a lot of attention to that?

PROSPECTIVE JUROR: No, you pay attention to the facts, but I'm saying that the facts don't necessarily jibe with, let's say, some legal arguments that take precedence over the facts. If you've listened to all the facts and you say, yes, they are innocent or guilty, but some legal precedence makes you dismiss that, then I have a big problem with that.

MR. ARIAN: You might not be able to do that?

PROSPECTIVE JUROR: No, I would not.

MR. ARIAN: Would that hold if the judge at the close of the case instructed you that you were to consider this evidence in a certain way and the instructions of the judge went counter to the feelings you just described, would you be forced to go with your feelings or the higher moral law you found, or would you feel compelled to follow the instructions of the Court with respect to that specific issue that was presented?

PROSPECTIVE JUROR: I really don't know sitting here right now.

MR. ARIAN: Would you have trouble with it?

PROSPECTIVE JUROR: I would have major

problems.

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1	MR. ANDREWS: Was that a trial here on the
2	third floor of the building?
3	PROSPECTIVE JUROR: Uh-huh.
4	MR. ANDREWS: Was that by any chance in
5	front of the same judge?
6	PROSPECTIVE JUROR: No, it was not.
7	MR. ANDREWS: Was there a feeling on your
8	part that it was as a result of a lack something
9	lacking on the part of the police department?
10	PROSPECTIVE JUROR: No.
11	MR. ANDREWS: How about the District
12	Attorney?
13	PROSPECTIVE JUROR: No.
14	MR. ANDREWS: When you say there was not
15	enough evidence, was there an identification issue.
16	MR. ZILVERSMIT: I'll object. He's seeking
17	to find out how this juror voted on that.
18	MR. ANDREWS: I didn't ask that.
19	THE COURT: Sustained.
20	MR. ANDREWS: Did you you don't have any
21	problem with serving as a juror today on a similar kind
22	of case?
23	PROSPECTIVE JUROR: No.
24	MR. ANDREWS: Thank you, Your Honor, I have
25	nothing further.
26	THE COURT: At this point does any party
27	wish to enter a challenge for cause?
	But before you do that, Mr. Elwood, I was

1 little unclear about your statements. 2 Let me just read this question to you 3 It important that I have your assurance that you again: 4 will without reservation follow my instructions and 5 rulings on the law and will apply that law to the case. 6 To put it differently, whether you approve or disapprove of my instructions, it is your solemn duty to accept as 7 8 correct my statements of the law. You may not substitute 9 your own idea of what you think the law ought to be. Would you be able to follow the law as 10 11 given by me in this case? PROSPECTIVE JUROR: I would, but I may have 12 13 a problem with that, internal conflict. 14 THE COURT: I understand that. Okay. Any party wish to exercise a challenge for 15 16 cause? Please approach sidebar with the court reporter. [Following bench conference not reported:] 17 MR. ZILVERSMIT: I have three challenges 18 19 for cause, Judge. Wiley, Elwood and Lee. 20 Taking those, Mr. Lee because he obviously 21 doesn't comprehend sufficient language to participate as 22 a juror. 23 MR. ANDREWS: Are we doing --THE COURT: Cause. 24 MR. ANDREWS: -- the whole 24 or just 25 26 people in the box? 27 THE COURT: All 24. 28 MR. ZILVERSMIT: So Mr. Lee because of

5. 1

The defense talk about, and it's all smoke and mirrors, he talks about all these other people who could want to kill her; it's the 240 pound guy, the 190 pound guy, all these people.

And yet how does this work? How do you we get those people on Jerrold Avenue to shoot her in the head? It does not happen. How else do you figure it?

Robin is wandering down the street and -finish the sentence somehow. You can't. The only thing
that works, the only thing that fits the physical
evidence, the testimony of the witnesses, the taped
statements, testimony from the experts, the only thing
that works is that she's on Jerrold Avenue because she's
following Joseph Diggs and Wanda Fain.

Wanda is not writing this because she's mad, she's writing this for Gregory Brown. They're all in the same house. Gregory has got a problem, he's got a court case coming up. But he knows how to deal with this problem. Because he's got a gullible little girl, and he can get her out to Jerrold Avenue and shoot her and leave her for dead through the other two, and that's it. That would be easier. That will be clean. If they had done the wrong right and killed her, you wouldn't be here today because we wouldn't have any clue.

And that's all I have to say. I want you to look carefully at what you've heard, what you saw. If somebody said something on that stand, just because we're

in court, we're in a formal setting, everybody says
"please" and "thank you," does not mean you should
believe anything you hear here that you wouldn't believe
outside those doors?

Use your common sense. You certainly shouldn't believe anything you've heard here unless it fits the evidence you've heard.

Based on that I'm asking you to find the defendants guilty of attempted murder of Robin Williams. Because they did it.

Conspiracy to commit murder.

Assault with a deadly weapon.

Possession of a firearm by an ex-felon.

Because they did it, for no other reason.

They did it, and that's why you're here today.

Thank you, Your Honor.

THE COURT: Thank you, Mr. Andrews.

At this point, ladies and gentlemen, it's quarter to 5. I have about ten minutes worth of instructions to read you, the concluding instructions, then I want to go over the verdict forms with you which is going to take some time.

Rather than do that today we're going to reconvene tommorow at 10. I will then finish the instructions, go over the jury forms, and we'll be finished.

I know one of you has a problem tomorrow, and hopefully you can change the appointment either later

ATTACHMENT 2

REsponse to Question # 13 a of this petition:

(3) Issues Raised: 1.) GREG'S CONVICTION WAS LASED ON loss than peoof beyond a REASONABLE doubt of every Element of the charged CRIME; 2.) Prosecutorial misconduct: the prosecutor sutroduced false and UNSUpport and deceitful material statements at trial; 3.) July misconduct: juror gave intentional false answers during voir dire; 4.) Ineffective Assistance of trial coursel; and 5.) Ineffective Assistance of appellate coursel.

RESPONSE to Question # 15 of this petition:

"Explain any delay and the discovery of the channed grounds for relief and an raising the clasures in this petition."

Ineffective assistance of trial and appellate counsels. The assues RAISED herein are on matters outside the record on appeal, and GREG PACKED BASIC EDUCATION AND All LEGAL KNOWLEDGE, UNTIL NOW, TO PURSUE THE ISSUES MEREIN. MOREOVER, GREG HAS BEEN SUFFERING FROM MAJOR DEPRESSION AND MENTAL ILLNESSES SINCE AND AS A RESULT OF his WRONG Ful CONVICTIONS AND IMPRISONMENT.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE CITY AND COUNTY OF SAN FRANCISCO

Department No. 22

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IN THE MATTER OF THE APPLICATION OF)

GREGORY L. BROWN

Petitioner,

FOR A WRIT OF HABEAS CORPUS

WRIT NO. 5568

ORDER

ENDORSED San Francisco County Superior Court

MAY 3 0 2007

GORDON PARK-LI, Clerk CARLOS BARRAZA

Deputy Clerk

On April 25, 2007 this Court received a Petition for Writ of Habeas Corpus from petitioner Gregory L. Brown ("Petitioner"). On May 25, 1995, Petitioner was convicted of conspiring to commit murder and of attempted murder. On January 28, 1998, the First District Court of Appeal affirmed the judgment with sentencing modifications. On April 29, 1998, the California Supreme Court denied review. Petitioner is serving 56 years to life at Corcoran State Prison.

Petitioner seeks habeas relief on four grounds. He claims that the verdict was not supported by sufficient evidence and that the prosecutor "maliciously and intentionally introduced false and unsupported and deceitful material statements at trial." He also claims that jurors committed misconduct and that his trial and appellate counsel provided ineffective assistance of counsel.

Petitioner was convicted almost 12 years ago and the Court of Appeal affirmed his conviction over nine years ago. Under wellestablished California law, a petition should be filed as promptly as the circumstances allow. As a result, the petitioner must explain in detail and "justify any substantial delay in presenting a claim." (In re Clark (1993) 5 Cal.4th 750, 765); In re Swain (1949) 34 Cal.2d 300, 302.) Where there has been significant delay in seeking habeas relief, the petitioner must describe circumstances sufficient to justify or explain the delay. the bar of untimeliness, the petitioner has the burden of establishing: (1) the absence of substantial delay; (2) good cause

for the delay; or (3) that the claim falls within an exception to the bar of untimeliness. (In re Robbins (1998) 18 Cal.4th 770, 781; see also Clark, supra, 5 Cal.4th at 775 ["[i]f a petitioner had reason to suspect that a basis for habeas corpus relief was available, but did nothing to promptly confirm those suspicions, that failure must be justified"].)

As an initial matter, Petitioner's insufficient evidence and juror misconduct claims are barred because they were raised - and rejected - on appeal. Because these issues were "previously raised and rejected on direct appeal, and because the [P]etitioner does not allege sufficient justification for the issues['] renewal on habeas corpus," the issues are "procedurally barred from being raised again." (Harris, supra, 5 Cal.4th at 825; see also In re Sakarias (2005) 35 Cal.4th 140, 145.)

Petitioner's ineffective assistance of trial and appellate counsel claims fail for two reasons. First, he has failed to justify the delay in bringing these claims. Instead of alleging facts to demonstrate good cause for the delay, Petitioner claims that he "lacked basic education and all legal knowledge, until now" and that he was somehow prevented from seeking relief because he has "been suffering from major depression and mental illness." These contentions have no merit. Petitioner does not allege when he began suffering "major depression and mental illness," nor does he allege how these conditions prevented him from seeking writ relief. Moreover, Petitioner does not explain how his alleged lack of "legal knowledge" prevented him from consulting his appellate attorney about a possible claim for ineffective assistance of trial counsel, or from contacting an attorney to inquire into the quality of representation provided by his appellate counsel.

Even assuming Petitioner's ineffective assistance of counsel claims are not time-barred, these claims fail because Petitioner has not provided any documentation to support his claims that his trial and appellate counsel provided ineffective assistance. It is well settled that a petition for writ of habeas corpus should: (1) state fully and with particularity the facts upon which relief is sought; and (2) include copies of reasonably available documentary evidence supporting the claim, including pertinent portions of trial transcripts and affidavits or declarations. (People v. Duvall (1995) 9 Cal.4th 464, 474.) Conclusory allegations made without any explanation of their basis do not warrant relief. (People v. Karis (1988) 46 Cal.3d 612, 656; see also In re Swain (1949) 34 Cal.2d 300, 303-304.)

Petitioner's failure to attach any supporting documentation to his petition prevents this Court from conducting a meaningful review of his ineffective assistance of counsel claims.

"To establish ineffective assistance of counsel . . . a defendant must show that counsel's representation fell below an objective standard of reasonableness under prevailing professional norms, and that counsel's deficient performance was prejudicial, i.e., that a reasonable probability exists that, but for counsel's failings, the result would have been more favorable to the defendant." (Strickland v. Washington (1984) 466 U.S. 668, 687-688; People v. Waidla (2000) 22 Cal.4th 690, 718.) Even assuming Petitioner's claims about his attorneys' conduct at trial and during his appeal are accurate, his claims fail because he has not demonstrated that his counsels' performance "fell below an objective standard of reasonableness" and that there is a reasonable probability that, but for counsel's alleged errors, "the result of the proceeding would have been different." (People v. Ledesma (1987) 43 Cal.3d 171, 218.) "When a defendant challenges a conviction, the question is whether there is a reasonable probability that, absent the errors, the factfinder would have had a reasonable doubt respecting guilt." (Ledesma, supra, 43 Cal.3d at 218, citing Strickland, supra, 466 U.S. at 693-94].)

For the foregoing reasons, Petitioner's writ of habeas corpus is DENIED.

is DENIED.

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5/25/07

Judge of the Superior Court

EXHIBIT D

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

JUL - 5 2007

Court of Appeal - First App. Dist. DIANA HERBERT In re GREGORY L. BROWN, A118248 on Habeas Corpus. (San Francisco County Super. Ct. No. 5568)

BY THE COURT:

The petition for writ of habeas corpus is denied. Petitioner has not demonstrated good cause for a delay of over 9 years in seeking habeas relief, nor has he shown his petition should be considered under one of the exceptions to the requirement that habeas relief be timely sought. (See In re Robbins (1998) 18 Cal.4th 770, 780-781.) Further, some of the claims asserted in the petition are barred because they were raised and rejected on appeal. (In re Waltreus (1965) 62 Cal.2d 218, 225.)

(Ruvolo, P.J., and Rivera, J., joined in the decision.)

	JUL - 5 EM	RUVOLO, P.J.	
Date:			P.J.

ORIGINAL

EXHIBIT E

Name GREGORY L. BROWN

Address SATF- CORCORAN

P.O. Baf 5246

CORCORAN, CA

CDC or ID Number J-8224/

SUPREME COURT

MC-275

AUG 1 0 2007

Frederick K. Ohlrich Clerk

DEPUTY

CAlifORNIA Supreme Court

Petilioner vs.

PETITION FOR WRIT OF HABEAS CORPUS

S155258

EvidENTiARY HER

(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and
 correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction
 for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies.

 Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court [as amended effective January 1, 2007]. Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:	
A conviction	Parole
A senience	Credits
Jail or prison conditions	Prison discipline
Other (specify):	
1. Your name: GREGING L.	BROWN
2. Where are you incarcerated?	TF - COCCORAN STATE PRISON
3. Why are you in custody? X Crim	ninal Conviction
Answer subdivisions a, through i, to the	best of your ability.
 a. State reason for civil commitment or, use of a deadly weapon"). 	if criminal conviction, state nature of offense and enhancements (for example, "robbery with
COUNT I. CONSPIRA	ry To Commit Muedos
Count II, Altemo	
	cost I 182.1.187; Court I 664/187
c. Name and location of sentencing or c	ommitting court: SunERICE COURT of the City And County
	Hall of Justice, 830 Bryon + St., S.F., CA 94103
d. Case number: 10. 1592	17/
e Date convicted or committed:	May 25, 1995
f. Date senienced: Och ches	
g. Length of sentence: 50 Vers	, A
h. When do you expect to be released?	Immediately upon granting of this hatens
i. Were you represented by counsel in th	
Stephen ARIAN; F	20 Bet 668; Kertfield, CA 94914
<u> </u>	
What was the LAST plea you entered? (ch	eck one)
Not guilty Guilty Nok	Contendere Other:
f you pleaded not guilty, what kind of trial d	lid you have?
Jury Judge without a jury	Submitted on transcript Awaiting trial

M.C-275 (Rev. July 1, 2005)

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* 6.	GROU	INDS	FOR	REI	IFF
υ.				,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,,

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (if you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

Constitution, was violated as a result of his conviction on less than preof beyond a leasonable doubt of every clement of the charged crimes.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See In re Swain (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

No Rational trick of facts could have found the essential
elements of the comes changed against Goese, beyond a remandle doubt.

On March 17,1995, Resecutor Floyd Andrews filed his Information
80 this case. Court I of the Information accused Goese of
conspiracy to commit murder (CT 1.) and Court II recused him
of Attempted murder (CT 4.). The Information alleged that the
Attempted murder was willful, deliberate, and premeditated. (CT
5.) As to the Attempted murder count, the Information also
Alleged that Goese personally sufficted great bodily sujury upon
Robin "Williams." (CT 5.) The Information set out 14 overt
rots 90 support of the conspiracy recusation, varning Goese in
only four overt rots (Nos. 2,4,5 and 6.). (CT 1-4) Overt Act
No. 2 recused (See Continentian, Radditional Profe.)

b.	Supporting	g cases, rul	es, or	other	authority	(optional):
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(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

IN RE Winship, 397 U.S. 358 (1970); Leavill V. VASQUEZ, 875 F. 2d 260 (1989) (9th Cir.);

Continuation Of Geound I; Page #2

1 GREG of taking A photo And gaving it to Wanda "FAIN"; 2 No. 4 Accused Geor of Accompanying FAIN to deliver A 3 Note; No. 5 Accused GREG of ENCOMPAGING FAIN And 4 Joseph "Diggs" to mueder Robin Williams; And No. 6 recused 5 GREG And FAIN of RESIDING At 126 Blythdale. Overet Act 6 Nos. 2 And 4 ARE MORNINGLESS YN the context of the 1 CONSPIRACY Charge because there was NO EVICLENCE of ANY AGREENTENT, between GREG AND ANOTHER OR OTHERS to commit murder. But, more importantly, those two "Acts" do not meet the legal Requirement of an "Overt Act." The jury made A determination that Great ENCOURAGED FAIN And Diggs to murder Robin Williams (Verdict, Overt Act No. 5), but there is Not a shred of Admissible evidence presented at trial from which this conclusion could logically be renched. And there was 16 NO finding of overet met No. 6. (Verdict, Overet Aut No. 6.) There was no sufficient evidence of an overet act 18 Supporting the charge of conspiracy to commit murder. The CRIME of conspiracy is defined in the California Penal Code (Sec. 182, subd. (a)(1), 184) AS two or make persons Conspiring to commit my crime, together with proof of the commission of an overet act by ONE OR MORE of the parties to such agreement in further ANCE thereof. Conspiracy is a specific intent crime. The specific intent required divides logically into two elements 26 (9) the intent to AGREE, OR CONSPIRE, And (6) the intent

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to commit the offense which is the object of the conspicacy. To sustain a conviction for conspiracy to commit murder, the prosecution must show not only that the conspirators Intended to agree but also that they intended to kill 5 the victim.

The evidence Extroduced At trial, As it pertagns to GREE MAY be SUMMARIZED AS follows:

1) He was agreested on January 6, 1995, At 126 Blythdale, while in possession of a handgun and CRACK COCAINE. ROBIN Williams made a statement to police INCRIMINATING GREG.

2) He was present when a purportedly threatening Note, weither by co-defendant Wands Fries, on paper from A Notebook belonging to FAIN, was delivered to Williams. 15 The Note Come with A photograph of her taken by GREG 16 FIVE YEARS before,

3.) GREG And Williams met, and GREG AGREED to provide Williams unspecified Removeration of she would REJEAIN From testifying against him at an upcoming poeliminapy hereing. The two resumed their previously 21 friendly retrionship.

4.) GREG WAS present At 126 Blothdale ON FEBRUARY 7, until about 4:00 to 6:30 P.M. Hostevening 24 Williams, FAIN And Diggs left to take the bus about 7:30 P.M.

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Continuation of Ground I" Proje#4

1 First, the January 6, Arcest could only be considered on 2 the 95500 of Greets motive to commit the crimes Alleged.
3 (RT 347-348; 1213-1215.) Clearly, "motive" is Not AN 4 ESSENTIAL Element of either crime charged. Indeed, 5 motive is different from swtent (I Within, California 6 Chiminal Law (3^{NS} edition 1988); Sec. 100, p. 118), And 1 does Not establish intent.

Seconds the Alleged thantering water was written by FAIN 9 ON her pages. (RT 727-729, 925.) It was delivered 10 About these weeks before the February 7, 1995 shouting of 11 Williams. A reasonable trier of facts could infer that 12 GREG WAS ASSOCIATED with the Note, but it is not 13 ROPSONALLE to interpret the note as evidencing AN AGRIEMENT 14 KETWEEN FAIN AND GREES to commit any CRIME, let Alone AN 15 AGREEMENT to kill Williams. Furthermore, About a week 16 And A half After Williams received the Note, or About two weeks before February 7, 1995, Williams And GREG, 18 reconciled. (RT 520, 545-546, 557.) From that time focused; up to and including Fobruary 7, 1995, Williams visited with GILG EVERY day or EVERY other day. There is 21 NO EVINERE to suggest that these approximately seven to fourteen visits were Anything but friendly. Indeed, Williams testified that GREG. specifically Endicated to her that he had no Enterition to heat her. (RT 557.)

Third, given the evidence that Gara either lived At 126 Blythdale or was there often and William; considered

Continuation of Ground 1"; Page #5

him her friend, Nothing CAN be inferred from GRER'S

presence At or Absence from 124 Blythdale on the day

Williams was shot. Williams' trial testimony waried as to

when Greo, left on that day. (RT 347-530.) She also

testified that she did not remember when he left. (RT 551
552.) At the March 6, 1995 preliminary examination,

she testified that he left early, around 4:00 P.M.

(RT 547-549, 551.)

Rewhere In the record is there my evidence from which a Restional inference may be made that there agreed with ANYONE to take Roben Williams' life; or to do her my horm at all. There is no evidence which even arguebly shows that Gree had an intent to kill Williams. There is the evidence linking Gree to my weapon resociated with the shooting of Williams. There is no other physical wide cridence linking Gree to the shorting of williams. There is no evidence if my discussions among Green, Fain, and in that Green had any convertion to the tap that Fain, Diggs, and williams took to Third Street. Must there is no thing in that Green had any convertion to the tap that Fain, Diggs, and williams took to Third Street. That there is nothing in that converted Green to the shooting of Williams:

The fact that GREG knew FAIN and pexhaps Diggs is not sufficient. More association is not enough to establish the essential elements of either crime alleged.

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Continuation Of Grand I"; Page #6

As shown where, there is no evidence to supposed the essential elements of the Crime of conspicacy to commit muches.

Even less evidence exists with respect to the finding of the crime of Attempted murder of Robin Williams. Where, As here, the prosecution has charge the Attempt to be "willful, deliberate, and premeditated," It must publice evidence from which it may be retionally inferred that, "... the would-be slayer (weighed and considered) the question of killing and the reason for mid equisitions to such choice and, having in mind the consequences, decides to kill another human being." CALTIC 8.67.

No such evidence exists in the record. Nor is there Any evidence of the specific intent element record to satisfy the Attempted murder requirement. Such intent must be shown at the time of the overt met by which the Attempt is manifested; And it capanit be inferred from the commission of another crime.

Another essential element of the come of Attempt is the requirement of a direct but ineffectual act done toward the commission of the act alleged. The act must be overet and unequivocal; it must constitute the beginning of the consummation of the Attempted crime. Preparation alone is not sufficient.

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Continuation Of "Ground I"; Page #7

Just As there is NO EVIDENCE to suppose the elements of GREGI'S conspiracy to commit mulder conviction of Robin Williams, there is No evidence to support the Elements of his Attempted murder conviction of her. There is no evidence to support a finding that Great had A specific guteret to kill Williams. There is NO evidence that GREG Attempted it direct best ineffectual Act of killing Williams. There is No evidence that GREG participated in the shorting of williams, directly or Endirectly. There is no evidence that GREGA Aided and abetted an Attempt to kill Williams. There is NO WEAPON OR physical Evidence linking GREE to the shooting of Williams, There is no evidence that GREG EVEN suspected that FAIN, Diggs OR ANYONE Else had ANY CRIMINAL POLENT TOWARDS Williams, And CERTAINLY NO Evidence that he shared in any criminal intent toward her. FURTHERMORE; just AS the note CANNOT Suggest the CONSPIRACY CONVICTION, It CANNOT Supposed the Attempted murder conviction. GREG'S PRESENCE WHEN FAIN delivered the Nute CANNOT be INTERPRETED AS providing ENCOURAGEMENT to FAIN, Diggs, OR ANYONE Else to shoot Williams there weeks later; And the reconciliation between williams And GREG ARE PRECONCILABLE with A finding that GREG Advised OR ENCOURINGED the Attempted murder of Williams. Williams AND FAIN RECONCILED Also. (RT 546-556.) Even putting Aside the RECONCILIAtion

SAO 72 (Rev. 8/82)

Confinuation of "Greand I"; Page #8

of Williams with FAM AND ERES, the Alterpted murder of Williams was Not A REASONAPHY foresteadle Consequence of GRES. Standing on A popul while FAM delivered A Note AND photograph to Williams.

Novetheless, motive carried suggly the specific intent Ekonewis of Alteryted murder. Nor can association establish either the requisite excouragement or whent to kill.

NOR CAD GREG'S brief presence At 126 Blythdate on the day of the shouting establish either the requisite encouragement or sutent of the exidence that he either frequent or lived there.

A microscopic examination of the trial transcript fails to several <u>any</u> evidence from which a commobile person could make a retional sufference establishing my of the elements of conspicing to commit muches and attempted muches.

GREE'S CONVICTIONS for conspiction to commit mutality and Allempled murder based on attent and or less than proof beyond a reasonable doubt of every element of the accused crimes violated his right to a fair total and due process under the Fifth and Fourteenth Amendments of the United States Carstitution.

Based on the above, the court must grant habens
pelief to Gree. And enter A judgment of Acquital.
Acquital is required because, At the close of the
prosecution's case-in-chief, the trial court improperly

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Continuation Of "Ground I"; Page #9

dervied Green's California Penal Code sec. 1118.1 motion for

judgment of requital. (CT 48,55; RT 1031-1037.)

Reversal alone is not an integuate remedy because a retain!

could then result, which would violate the state and

federal constitutional prohibitions against double jeogardy.

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Case 3.06-cv-03501-iviiviC Document 3-2 Filed 07/22/2006 Page 13 01 160
7. Ground 2 or Ground 2 (il applicable): "GROUN' 2"; Page # 1
Crea's right to a FAIR Trial And Due PROCESS, AS GUARANTEED under the
Fifth And Fourteenth Amendments of the United States Constitution, was v
when the preservice maliciously and intentionally introduced false A
usupported and deceitful material statements at trial.
a. Supporting facts:
It was prosecutorial misconduct and malicious
prosecution for Floyd "Andrews," A formal San Francisco
prosecutor, to introduce false and unsupported and deceitful
material Statements At trial to acquire Gree's convictions
for conspiracy to commit nurder and Attempted mureder.
PROSECUTOR ANDREWS false AND UNSupported material
Statements in his "Closing Arguments" At third were so improper
that it infected the trial with unfairness as to make
GREG'S CONVICTIONS A devial of due process And a finil teight.
IN closing, Andrews told the jury that Wanda FAFRI
Whate the Note "for GREGORY BROWN," (RT 1349.) And
" he (GREE) CAN get her (Robin Williams) out to
JEREOLD AVENUE AND Shoot hER AND LETVE HER DEAD
through the other two (Wouds Fain And Joseph Diggs)." (KT
1349.) Andrews frether repentedly exhorted the jury to being
IN A "quilty" VERdict, Not based on the evidence, but "Because
(SEE Continuation, Additional Page)
Supporting cases, rules, or other authority:
DARden V. WARNURIGHT, 477 U.S. 168 (1986); Brecht V. Abrahansen,
509 U.S. 619 (1993); DONNElly V. DeCheistoforo, 416 U.S. 637
In of Wishin 397 115 358 (1970) Becare 11 United States

MillER V. PAte, 386 U.S. I (1967)

Continuation Of "Grand J"; Page 2

they did it." (RT 1350) The toial RECORD 95 devoid of any evidence to supposed any of those Accusations. The was no evidence introduced at trial that should FAIN whote the note "for GREGOLY Brown." There was NO EVIDENCE ENTRODUCED AT TRIAL That showed GREG had Any connection to the trip that FAIN, Diggs And Williams tock to Jerrold AVENUE. TheRE WAS NO EVIDENCE 8 Whoduced At this from which a Pational inference may be made that GREG Agreed with FAIN, Diggs OR ANYONE 10 Else to take Poble Williams life, or to do her my hand At All. And Nowhere IN the trial record is there my 12 Evidence As to who Actually shot Williams. As demonstrated above, not only did Andrews failed to limit the scope of his closing Arguments to the evidence presented At their but he also deliberately and consciously introduced numerous false And unsupported material statements which rested Exclusively on the issue of guilt. Additionally, Andrews' Exhortations of the jury to being in a "quilty" verdict, by ANY MEMIS OthER thAN the Evidence, "BECAUSE they did it " Amount to malicious prosecution and SEVERAL POSTANCES of prosecutorial misconduct because: (1) it was contrary to the evidence presented at total; (2) it was AN injection of his personal opinion or belief; (3) It influenced and inflamed the jumy's prejudices 26 Against GREG; (4) it ENCOURAGED The jury to

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Continuation of "Ground 2"; Page #3

dispegned the court's instructions concerning innocence

2 And quilt; And (5) it diverted the jury's Attention from

3 its duty to decide the CASE ON the merit of the evidence

4 presented At trial.

But, just as equally prejudicial, it wegated the 6 fact that other people could have been responsible for the shooting of Robin Williams. On cross-Examination, & Williams was questioned about various persons who might 9 bear Ill will towards her. In January 1994, just 19 10 YEAR PRIOR to hER Shooting, Robin Williams was convicted of A RESIDENTIAL burglary, And HAMED HAREE black males 12 who were Also involved. (RT 573, 587-588, 641.) 13 After that burglary, Corky, the boyfriend of the winan 14 whose house she had burglarized, bent her up. (RT 583.) 15 Williams had Also Encurred drug debts in the past. 16 (LT 576, 580.) However, She desied having my drug 17 debts on February 7, 1995, And did Not Demember ever 18 being theentened by daug dealers to whom she owed money. (RT 576, 580, 582.) She said that she knew-TRUIN BERRY At Sunydale, but did not remember him he thing her with A gun because of some debts she owed 22 him. (RT 582) She specifically devied owing ANY movey to A MAN NAMED "TAILS" from the Sunwydale AREA, And said that she did Not Remember him coming up to 25 her the night before February 7, 1995 And pointing A

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26 GUN At her. (RT 581-582.) HOWEVER, DEFNIE HAVES

Continuation of "Ground 2"; Page #4

testified that she was talking on the telephone with a friend at her home in the Surveydale Projects on the Atternoon of February 6, 1995 when the friend said, a "Oh, my God, Tails pulled a gun on Robin." Robin 5 Referred to Robin Williams. (RT 1005.) Hayes also 6 testified that sunctime during the last couple of menths 1 Phoebe's apartment at 56 Santos had caught on fixe.

8 Williams and Phoebe were once roommates at 56 Santos.

9 (RT 1005-1006.) Over the years, Williams had gotten of suto fights at Surveydale. (RT 584-585.) Williams admitted that she might have some exemics accounted the city. (RT 586.)

Andrews' false and unsupported material statements implanted in his closing arguments, whether individually or collectively, so suffected the trial outcome as to create a genuine effect on the jury's verdict, especially when considering the fact that the trial judge did not instead the improper statements. There is absolutely as way a perioral jury could have found Green quilty of the crimes accused absent the mentioned statements in Andrews' closing.

PROSECU-FOR ANDREWS" SWENTIONAL MIND MALICIOUS USE of false AND deceit ful material statements SW his "Opening Statements" At trial were so suproper that they suffected the trial with infairness as

26 to make GREG'S RESUlting consistions A devial of due

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Continuation Of "Ground 2"; Page #5

1 process and a fair trial. Andrews' opening statements Alleged, "She (Robin Williams) was shot because she made A Statement to the police About GREGORY BROWN, About 4 him selling drugs, About him bring A gun. She was shot to punish her for that statement and to prevent her from testifying in fature court Appendances." (RT 314.) Andrews failed to introduce my evidence At trial its to 8 why Robin Williams was shot. Hudrans Introduced No EVIDENCE that williams was shot because she made it 10 Statement to the police "About Greeney Brown." Andrews 11 Sutroduced No evidence that Williams was shot because her 12 Statement mentioned GREG "Selling drugs." Andrews 13 Perfectuced No evidence that Williams was shot because 14 hex statement mentioned GREG "having a gun." Andrews INTRODUCED NO EVIDENCE that Williams "WAS shot to 16 punish here for that statement " to the police. Andrews gutreduced No evidence that Williams was shot 18 " to prevent her from testifying IN future court APPEARANCES." FURTHERMORE, Hudlews completely failed to introduce my evidence of trial its to why Williams was shot, And there was no trial evidence 22 As to why. MOREOVER, Robin Williams trial testimony totally contradicted the improper statements given by findrews in his opening Staternewls, while At the same time EXONERATING GREG ON All Charges relating to hox shooting.

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Continuation of "Ground 2"; Page 6

1 Williams testified At trial that ON JAWUMPY 6, She was Visiting GREG At 126 Blythdate, when the police come. 3 She SAW A GUN IN GREG'S hAND AND A bry of CRACK IN 4 the other. (RT 511.) She made it statement to the police 5 AS to what she saw. (RT 513.) Some days later she 6 WAS At A friends house when Would "FAIN" delivered I H NOTE to her, that weluded A photo of her taken some 8 YEARS DEFORE by GREG. GREG WAS NEARBY WHEN the NOTE 9 was delivered, standing outside on a porch. (RT 515.) 10 FAIN SAID GREG WANTED to talk to hER. (RT 517.) 11 She did Not spenk to GREG because she considered the 12 NOTE threatening And was scared. (RT 518.) About A 13 WEEK And A half later, She met GREG ON the Street 14 AN' Hey Spoke. HE ASKED PER to Stry out of sight, 15 And Not to testify Af his exprening herring; And IN 16 RETURN he "would take care of" her AS long AS She 17 didn't testify. (RT 519.) She was satisfied with the conversation and returned to her regular visits to 126 Blythdale, going there About every other day. She went there to talk to GREG AND they WERE friends. (RT 520.) GREG NEVER threatened her, And she believed he had no intention of husting her. (RT 557) ANDREWS WAS AWARE that Williams would testify AS She did, because it was relatively A REcitial of her preliminary henring testimony. (RT 11-16; 51-52.) Nevertheless, Andrews deliberately, consciously and

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Continuation Of "GROUND D"; Page #7

maliciously used findse and deceitful material statements

Note opening statements to manipulate the jury.

This fact is highlighted by Andrews' calculated.

A (and successful) efforts to paint Green as a heartless

dope dealer who has previously captured and corrupted

the victim, Robin Williams. Thus, for example, in his

opening statements Andrews Said:

"Robin is young to tell you that she is redicted to cocaine, that she had been supplied cocaine by Greenory Brown and other people of the poison. She did a lot of things to get her poison. She'd go to Greenory Brown And get drugs there. She's traded chang for sex with Mr. Brown."

(RT 315, live 28; 316, line 1-7.) Of course, there was NO Evidence Adduced At trial to suppose this Assertion. Absort the maliciously false and deceitful Statements embedded in Andrews' opening statements, no entional jury could have reached a guilty voxdict against Green because there was simply no evidence introduced At trial connecting him to the shooting of Robin Williams. Indeed, the improper statements created such a substantial and injurious effect on the jury's decision as to render Grees's convictions unconstitutional.

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Continuation of "Ground 2"; Page #8

Crees's right to a fase trial and due process, under the Fifth and Forktonth Amendments of the United States Constitutions, was violated as a result of several instances of prosecutorial misconduct as set forth herein. Based on the above, the Court must grant habens relief to bree on this ground and enter a judgment of requital because there is no evidence to supposed a re-trial.

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7. Ground 2 or Ground 3 (il applicable): "Ground 3"; Page #1
GREG'S Right to A FAIR TRIAL AND Impartial July, as guaranteed
under the Fifth, SIXth and Fourteenth Amendments of the United States
Constitution was violated when jurors gave intentionally false ANSWERS
during voir dire and for covered up false statements given therein.
a. Supporting facts:
In the present case, jurous committed misconduct when they
ENTENTIONALLY GAVE FALSE ANSWERS during vIOR diRE OR COVERED UP FALSE
Statements given therein which violated GREE'S Right to due process,
A fair trial, AN UNDIAS jury, confrontation, And A verdiet based on
Admissible trial evidence, as guaranteed by the Fifth, Sixth and
Fourteenth Amendments to the United States Constitution.
During voir dire, MR. FLETSCH, defense coursel for co-defendant
WANDA FAIN, ASKED the july: Does ANONE have A problem or would
they have a problem with following the instructions of the Court even
if the result that would be reached by following instructions of
the Court WERE CONTRARY to YOUR gut REACTION IN A CASE AS SERIOUS
AS the ONE that's charged here?" (RT 132, lives 3-8.) The only jump
who indicated he would have a problem with following the Court's
Pushouctions is jurce John Elwad. (RT 132-133 (from live 3 of 132 to live
13 of 133); 142-143 (from line 1/ of 142 to line 28 of 143); 158-159, line 28-13).
During voil dies, Mr. Zilversmit, defense coursel for co-defendant
Joseph Diggs, Asked jurges MR. CASHillo, Mr. Owns, Mrs. Snith, and
(SEE CONTINUATION Additional PAGE)
Supporting cases, rules, or other authority:
TRUIN V. Dowd, 366 U.S. 717 (1961); BRECHT V. Abrahamson, 509 U.S.
619 (1993); Danvelly V. De Christoforo, 416 U.S. 637 (1974);
IN RE Winship, 397 U.S. 358 (1970); CARter V. Kentucky, 450 U.S.

PETITION FOR WRIT OF HABEAS CORPUS

Continuation of "Ground 3"; Prox 2

1 MR. Bower of they beard the judge's instruction on the
2 presumption of survecesce and whether they would be able to
3 vote Not guilty assuming there was no evidence to the
4 contrary; each juror indicated they would. (RT 136-137.)
5 Mr. Zilversmit also asked the jury if they would be able
6 to vote not guilty if the preservition failed to preduce
7 evidence of the defendants' guilt beyond a reasonable doubt;
8 None of the jurors indicated to the contrary. (RT 140-141.)

During voic dire, Mr. ARIAN, GREG'S trial defense countries, Asked the jury of ANY of them ARE confused Atout the "difference between A mere suspicion, A creating of a suspicion pand cleating evidence that convinces beyond A REASCRAPHE doubt"; NOWE of the JURGES Indicated confusion. (RT 147.)

As demoistanted in the overning declarations of justice Tobic Elixed, justice Karen Pemberton, and Magne Richard, Gree's trial defense investigator, the jury failed to assuer questions howestly chaing wire dire regarding whether or not they would follow the court's instructions.

20 21

Tellowing the verdicts, All the defendants, we hading

Green, filed motions for New trial, Alleging among other

things, jury misconduct chiring deliberation. However,

this Ground, as well as all other Exounds set forth in these

papers, was not raised in the motions for New trial by

defense coursels NOR ON diesect Appeal.

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Continuation Of "Ground 3"; Page #3

Junea Kasen Pemberton, in her declaration given to coursel for co-defendant Joseph Diggs states among other things:

Dueing deliberations, a jurce had a bus schedule with them. We looked at the Schedule and we talked about how long the bus rice took, when they (Robin, words & Joseph) got on the bus, and how long it took to get where they were going...

when we went into the jury After programments, some people were saying "they don't have A CASE." I osiginally believed they were talking about the presecution. But later, I contined that more than half of the juries were talking about how the defence had not proven their case.

(CT 453-454.) The clear import of this discussion

territories justices is that they did not apply the court's

instruction on the textor of proof in a criminal case.

(CALTIC Nos. 2.61, 2.90, 2.91; CT 334, 340-341; RT 1219,

18 122-1223. Also, set, RT 93-94.) Joece Karen P. Also

19 parised Maggie Richards, Gaes's investigator, that "A

20 couple" of journess commented on Goes's failure to testify

21 in his own defense being an indication of his guilt. (See

22 Maggie Richards' sween declaration At; CT 173-474.)

The instructions placing the harder of proof in the

24 proceedution are grounded in the Due Process Clause of the

25 Forefeerth Amerilment of the United States Constitution

26 And play a vital role in the American scheme of criminal

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Continuation of "Ground 3"; Page #4

1 PROBEDURE. The jurous clearly disobeyed the country Instructions regarding burden of proof when, According to 3 the declaration of jurce KAREN P. MORE than half the 4 junes said, during deliberations, that the defense had 5 NOT PRIVER HETE CASE. THERE IS NOThing in the record 6 to suggest that the credibility of KAREN P.'s declaration 7 ON this issue was questioned, And it containly was not 8 Countered. There is NO CASE law OR other suthority that 9 GREG 45 AWARE of that states that the declaration of A 10 Single jurce cannot Establish misecularly that offending julies must be identified by NAME, OR that all twelve jupors must disober court instructions in order to 13 Establish misconduct. Indeed, one junca is exaigh. The instruction that no inference is to be drawn from a defordant's failure to testify is granded in the Fifth and Fourteenth Amerianents of the United States Constitution. The jury was instructed as follows: "A defendant in a criminal trial has a constitutional Right Not to testify. You must not dear any Inference from the fact that it defendant does not testify. Further, you must veither discuss this matter DOR PERMIT It to ENTER INTO YOUR deliberation IN MAY WAY." (CALJIC 2.60; CT 333; RT 1219.) The JUROR'S misconduct in disobeying this instruction was inherently 25 AND Substantially likely to have Fifthenered and biased the

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Continuation Of "Ground 3"; Page #5

Involved jurges so As to prejudice GREG.

There per hordly two matters more trisic to a fair jury trial than the grinciples embodied in the instructions referred to above.

coursel for co-defendant Joseph Diggs States under outh Among other things:

During our deliberations we pregneed a time line... for the exercises of the swiderit. We well preticularly constanted with the petial refuser 7:30 pm and 8:35 pm on the night of the shooting. To help reconstruct what happened during that period, we consulted has sentedules that Juroks Alvin Bernstein and Mannell Benranni crought in on the second day of deliberations. These schedules provided us information about the intervals before houses came; this information about the intervals before the fine fine from the period is to fill in our time fine from 7:30 pm until 8:35 pm on the pight of the shooting. ...

There was also discussion whent, recess to guns which was in reference to defendant Great Because prior ARREST.

There were Also discussions about defendant Ches. Brown besty a dring dealer and his proposity for violence and drugs and that kind of lifestyle. This was mostly in peferance to defendant Brown's state of mind.

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Continuation Of "Ground 3"; Page 6

Sine jucces Also discussed that As A day dealer, Brown's State of mind may be fixisted ANA power hungay. Some juccess Also discussed that As A day dealer, Brown might feel that there would be No consequences to his Actions if he killed Robin Williams. The jucces who brought up discussions of def. Brown's lifestyle were reminded by other jurous that this line of discussion was speculation and could Not be considered in deliberations.

Someone Alio made reference to the fact that if you do cereck cocaine, it does not memory you lose your memory.

(CT 451-452.) This statement taken on its face is clearly speak bias of the worst soct in and of itself. Devetheless, justed Tordan Quens cockoberated the fact that jury did in fact disregarded and disobayed the count's instructions and considered the seizure of a gun and drugs from defendant Greenay troom as evidence of his guilt in the charged crimes. (Declaration of Maggie Richards At, CT 473-474.)

Early in the prosecution Case, the trial court gave the following limiting sustanction to the jury regarding the evidence seized chains the January 6, 1995 present of Green. The court polynowished:

[T] he evidence or testimony that's heavy received At this point regarding the gun and coeping Seized At 126 Blytholde on January 26 this is] 1995, In the presence of Mr. Brown is herry offered only to show notive for Mr. Brown to

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Continuation Of "Grand 3"; Page #7

param pls. Williams. You may not consider this evidence for any other purpose At this time.

(RT 347-348) After the completion of the presentation of All of the evidence, the court gave the jury the following fustace tions:

Evidence was interduced of an appear on samuery 6, 1995 of defendant Greeney Brown And Setewary 6, 1995 of defendant Greeney Brown And Setewary 6, 1995 of defendant was reducted and of 126 Blythodate. This evidence was reducted and may be considered by you only for the propose of Socially a possible metric for the considered this evidence of the the purpose of the terministy whether such motive this and for no other purpose. Such evidence, if befored, was not received and may not be considered by you to prove that defendant Greeney Brown is a possion of had character of that he las a disposition to consist equites. Such evidence was received and may considered by you only the the limited purpose of deterministy if it tous to show a nation for the commission of the chimes charged, for the limited purpose for which you may consider such evidence, you must weigh, it in the same manner you do all other evidence in this case, you're not permitted to consider such evidence for all other evidence such evidence for any other purpose.

Evidence Hart A gun was sinzed on James and & the 1995, May not be considered by you to infer on prove that Any of the defendants had A gun on February 7th, 1995, when Robin William's was short.

Certain evidence was admitted for a finited purpose. At the time this testimony was admitted you were admitted you were for for any purpose other than the limited purpose for which it was admitted. Do not consider such evidence for any purpose except the limited purpose for which it was admitted. Do not consider such evidence for any purpose except the limited purpose for which it was now then.

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Continuation Of "Ground 3"; Page #8

1 (RT 1213-1215) These Enstructions were also provided to the judy in weither from during their deliberations. (CT 306, 318-320, 323.)

Jurues clearly disregarded and disobeyed these 4 Sustructions. For from limiting their consideration of the EVIDENCE of the gun and cocamo to the issue whether Gree had A motive to Trem Williams, - juste discussed that the JANUARY 6, 1995 GUN AND COCATHE EVIDENCE Showed that GOET had "Access to guis," was "A day donler," had A "propersity for violence And changes," had A " twisted And power hungey state of mind," And felt that "there would be NO CONSEQUENCES to his Actions of he killed Robin Williams." The fact that some jurges computed other jurges Not to consider this live of discussion does Not indicate whether any or All of the improper discussion consed, and there is no indication that the cominder was given by the jury facement or otherwise carried special sutherity. And the seminder could not erase the previous improper discussion. The RECORD is without any contradictory declarations on this issue. Noe is there ANY indication in the record that the prosecutor or the trial court questioned the credibility of jurier John Elwood's declaration on this subject.

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Continuation Of Georal 3"; Pinge #9

The declaration of GREG'S trial defence suvestigator, Maggie Richards, States, among other thrugs:

ON May 30, 1995, I spoke with jakok KAKEN
Pemberton by telephone. At that time, she
told me she heard "a couple" jurges discussing
the fact that defendant Glocially Brown did not
testify in his own defense, and that this was
AN indication of quitt.

On May 30, 1995, I speke with juste Alvin Bernstein by telephone. He told me that in jung defiberations . . . jung defiberations

ON May 30, 1995, I spake with jurge Tordan T. Ower's by telephone. She told me that the jury considered as evidence of one of defendants hands shot the victim that there were guis in Geracog Brown's past, and that he was a day dealer.

(CT 473-474.)

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The swar declarations of jurces John Elwood mid kapen Penheren mud that of investigator Maggie Richards, decrowateate that the jurces consulted his schedules and/or maps during deliberations. The record shows that neither were admitted into evidence at trial. It is jurce miscoulant to consider and discuss "evidence" other than that which was received at trial, whether a jurce acted intentionally or madrentently in being exposed to the outside source of information.

The jurces were also specifically instructed:

you must decide All questions of fact in this case how the evidence received in this trial and not from any other source...

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Continuation Of "GROUND 3"; Page #10

You must not make any independent investigation of the facts. No consider NOR discuss facts as to which there's NO evidence.

(CALTIC 1.03; CT 313; RT 1210.) CLEARLY, the jURGES USE of the bus schedules constituted misconduct.

Timing was AN Emportant YSSUE PN this CASE. paracution theory was that FAIN, Diggs And Williams left 126 Blythdale At pround 7:30 p.m., walked to the his stop, 9 whited for the bus, route the bus for twenty to twenty five 10 minutes, And walked A block And A half, before conditionals 11 FAIN mid Diggs shot Williams. The wounded Williams was first 12 discovered Around 8:30 p.m. There is no evidence that Frin or Diggs WITE ANYWHERE IN Sight At that time. Given All of this, 14 plus the co-defendents derind of any involvement in Williams shooting, the expect without evidence regionling williams nomecy 16 problems, And the defense theories that third practices were REsponsible, the jury plainly had a question as to whethere All that williams described could have happened within the ove hour time period. Thus, they obviously felt A NEED to fill in important graps in the preservation case time live, And used the bis schedules to do so. Insmuch of GREE's culprability As a conspirator rested on the jury's Evaluations of the Actions of FAIN'S And Diggs And on the credibility and reliability of Williams testimony, the jury's consultation of the bus schedules to bolster the 26 prosecution's CASE WAS prejudicial to GREG.

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Continuation of "Ground 3"; Page #11

The sween declaration of jurge Total Elwood makes cleared that a jurge injected his own outside expectise into deliberations.

The comment of a jurge that if you do crack cocaine it does not mean you lose your memory is also misconduct. The relationship tetween crack cocaine use and memory loss is not a subject of commonplace knowledge. Moreover, the jurge comment is not a reasonable interpretation of expect witness psychiatrist beginned who made the comment registeding cocaine and memory was, who made the comment registeding cocaine and memory was, clearly relying on first hand experience, observation, or study. It such, his comment injected his outside expertise into the deliberations, which constituted misconaict.

HERE, the evidence is so very stim regards to Green, NOWExistent by most standard, that a very minimal amount of
Exect can have a substantial weight in affecting the needlet.
All that ties Green to the shooting of Robin Williams is, the
January 6 arrest, and his connection to the delivery of a
purportedly threatening rate. Other than his presence enrice
in the day, there is nothing connecting Green to the evente
brown up to Williams' shooting. Absent the varieties of jury
misconduct in this case, no trier of facts could have
found Green quilty of the crimes charged.

As stated here in, the defense coursels explicitly asked the jury material questions during voir dire which the jury intervioually failed to respond hovestly to; specifically, the jury concented their unwillinguess to (1) follow the court's

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Continuation Of "Grand 3"; Page #12

instructions; (2) give the defaulants, perficulately 6ces, the
presumption of invocance; (3) vote not quilty if the
presecution failed to produce evidence of the defaulants guilt
deviant a reasonable doubt; and (4) ascertain the
idifference between a mere suspicion, a creating of a
suspicion and creating evidence that convinces beyond a
reasonable doubt." (RT 132; 136-137; 140-141; 147. Also,

SE, His Geornal At pages 1 &2.)

10 Counsels' guestion's churing win dire violated Green right to A

11 fair total, an imposedial jury, due process, confrontation,

12 And A verdict based on ridarissible trial evidence where the

13 Fifth, Sixth and Fourteenth Pomendments of the Chirted

14 States Constitution; and was the direct cause of the

15 Violation set forth in Ground I.

Based on the Above, the Court must grant habeas relief to Greec on this ground Along with any other relief the Court deems fare and just.

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Continuation Of "Ground 4"; Page #2

1 between GREGI AND ANYONE to commit mucher and (2) they 2 do not meet the legal requirement of an overet act. 3 In light of the fret that Green pled not quilty to the CRIMES ACCUSED (CT 9-11-), Any REMSONABLY Effective 5 counsel would have moved to challenge All evidence Against 6 his client in which the prosecution relies upon to obtain A 7 CONVICTION. It is REASONABLE to ASSUME that had counsel 8 challenged the overt Acts, the prosecution would have how forced to produce sufficient evidence to support onch 10 Act OR RUN the Risk of having out or more Acts dismissed. As shown herein, the mentioned overt nots were either not 19cts in Anil of themselves or unsupported or lacked finding. Therefore; had coursel challenge the overt acts it is muce than likely that one or more or all of the acts would have been dismissed which would have further weaken the prosecution's case or resulted in the entire case against GATE being disnissed, because, the essence of a conspicuous lies within the commission of AN overt Act.

Here, the preservices case agricult been is non-existent by most standards, therefore, a minimal of excer such as the failure to challenge the except acts contributed to and preximately caused the subjection of Green to an uniform think think a bias jury, prosecutarial misconduct, and a conviction on less than proof beyond a removable doubt. Coursel's failure to challenge the overt acts in question amount to defective and wetter acts in question.

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Continuation Of "Ground 4"; Page #3

Trial coursel's failure to make mexitorious objection's to false and unsupported material statements at trial constitutes welfective trial regressionation.

As Stated in "Ground 2" mil supported by the record, IN closing Auguments, the prosecutor told the jury that Wands FAIN whole the Note "for GREGORY BROWN," (RT 1349.) And "... he (GREGE) CAN get her (Robin Williams) out to Jerseld Avenue And Shoot her And lette her dend through the other two (Thin And Joseph Diggs)." (RT 1349.) The prosecutor further repentedly exhorted the jury to king in A "quilty" vexdict, not based on the Evidence, but "Records they did "t." (RT 1350.) There was not A scintilla of evidence presented at trial that supports ANY of those false material Statements. Any RENSONABLY effective coursel would have forvertly objected to each mul every one of the improper statements, practicularly, In light of the fact that closing requirents are limited to the 955GE IN the CASE And the evidence that has been presented. Coursel's new-objections to the filse and UNSingported material Statements Allowed the prosecutor to: (1) ARGUE fres that ARE Not supported by the evidence IN the record; (2) "Nject his personal beliefs AND OPINIONS; (3) INFLUENCE AND INFLAME the jury's prejudices Against GREG; (4) ENCOURAGE the jury to diskegard the courts instruction regarding innocence And quilt; And (5) divert the jury's Attention from

%AO 72 (Rev. 8/82)

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Continuation Of "GROUNT 4"; Page #4

1 Its duty to decide the CASE ON the merit of the EVILENCE
2 presented at trial. Mareover, coursels non-objections gave
3 credence to the prosecutor's basiless opening statements.

Had coursel objected to the improper Statements,

the objection's would have undoubtedly resulted in the

judge ordering the jury to disregard the statements which

would have just the jury on notice that they are not

allowed to consider the improper statements, and that alove

could have changed the orderne of the total. However,

could have changed the orderne of the total. However,

to counsel's failure to object to the fake and insupported

material statements pesulted in and contributed to and

proximately caused bices's convictions for the crimes

accused and subjected him to an inspire trial, a bias jury,

prosecutorial misconduct, and a conviction on less than

proof beyond a reasonable doubt. Counsel's non-objections

to the statements in question amount to defective and

Trial counsel's failure to use greenphay challenge to excuse a potential bias jurur from the jury panel constitutes ineffective trial representation.

HERE, during voir dire, jurse John Elwood was questioned and answered as follows:

Me. Furtsch (co-defendant Wanda Fain's defense course!):
"Does Anyone have a problem or would they have
A problem with following the Instructions of the Court even
if the result that would be reached by following the

%AO 72 (Rev. 8/82)

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Continuation of "Ground 4"; Page #5

RESTRUCTIONS OF the Court were contensy to your gut RESTATION IN IT CASE ITS SERIOUS ITS the that'S charged here?"

Prespective Junor: "I think I would have a problem with it."

Me. Fuetsch: "... could you explain what you mean by you would have a problem with that?"

Prospective Juleur: "I believe there's a higher

8 Authority than legal authority that is like mural authority,

9 And to follow like a set of rules rather than more of a

10 moral thing, I think I would be hardpressed to follow the

11 Set of rules that are outlined by law."

"... but I think if you misconstant the constitution of broaden its recture Authority, then I think that could be potentially wrong."

(KT 132-133.)

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Me. ARIAN (GREG'S TRIAL COUNSEL):

"MR. Elwood, I hered you say something about broadening the puthosity of the constitution. Do you recall that comment?"

Prospective JURGE: "I do."

MR. ARIAN: "I wonder if you could say any more plout that. I didn't get your complete thought."

PROSPECTIVE JUROR: "My thought 95 A lot of; let's say, somehody's on trial, the jurors sit through the ENTIRE TRIAL, they have a gut feeling that these defendants ARE, let's say, guilty, but a lot of circumstantial

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Continuation Of "Exound 4"; Page 6

EVILENCE has been brought in AND It's been found -- OR A 2 legal SSSUE has been brought up, A minor legal issue that 3 Spenks to their invocance. You're supposed to think they're innocent even though they're quilty, because it's is tegal regument and it takes precedence over how you feel." Mr. ARIAN: " YOU'RE SAYING that AS A JUROR YOUR GUT REAction is VERY important And you're going to pay A lot 8 of Allention to that?" PROSPECTIVE JURGE: "If you've listened to All the facts and you say, yes, they are innocent or quilty, but Some legal precedence makes you dismiss that, then I have A big problem with that. MR. ARIAN: "You might not be Able to do that?" Prospective Turce: "No, I would not. MR. ACIAN: " Would that hold of the judge At the Close of the CASE YNSTRUCTED YOU HAT YOU WERE to CONSIDER HIS EVILENCE 92 A CERTAIN WAY AND THE PUSTEUCTIONS of the judge west counter to the feelings you just described. PROSPECTIVE JUROR: "I REAlly don't know sitting

here right NOW."

MR. ARIAN: "Would you have trouble with It?" PROSPECTIVE JUROR: "I would have major problems."

(RT 142- 143.)

The Court: " At this point does my party wish to ENTER A Challenge for CAUSE?

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Continuation Of "Ground 4"; Page #7

But before you do that, Mr. Elwood, I was little unclear about your statements.

Let me just rend this question to you again:

It [sic] important that I have your Assurance that you

will without RESERVATION follow my PNSTRUCTIONS AND

Rulings on the law And will apply that low to the CASE.

To put it differently, whether you appeare or disappeare

of my instellations, it is your solomn duty to recept is

CORREct my Statements of the law. You may Not

10 substitute your own idea of what you think the low

ought to be.

would you be Able to follow the law AS givEN

by me in this citie?"

PROSPECTIVE JURGE: "I would, but I may have A

problem with that, internal conflict."

6 (RT 158-159)

17 As demonstrated, Juroc Elwood's responses during 18 Voir dire were existe and mistending and concented his

UNWILLINGUESS to follow the country Pustauctions. Any

REASONABLY Effective counsel would have used A preemptsey

challerge to Excuse jupor Elwood from the jury panel AS A

Result of his explicit or implicit Allegiance to his "gut"

3 feelings apposed to the law and instructions given by

the Court. Moreover, Elwood's declaration illustrates

25 AN Abundance of juror misconduct (CT 451-452),

26 therefore, it is reproported to Assume that Elwood's

SAO 72 (Rev. 8/82)

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Continuation of "Exacted 4"; Page #8 RELIANCE ON his gut feelings during deliberations, RATHER than the Court's Pustructions, was Pufluential IN the jury's decision to find Green quilty of the crimes charged, particularly since the verdicts were contrary to law. Counsel's failure to excuse potential bias Elwood from the jury panel contributed to and proximately caused GREGI'S deprivation of A fAIR triAl And Importial jury. GREG'S Right to effective Assistance of trial coursel AS guaranteed by the Fifth, Sixth and Fourteenth Amendments of the United States Constitution was violated when counsel failed to (1) challenge the overt acts; (2) object to false and unsupported material statements. At trial; And (3) USE preemptory challenge to EXCUSE THE birs jUROR JOHN Elwood from the jury provet.

(Altachment No. I affixed here to 8 exact copies of the court and the reporter's transcripts referred to 90 this ground.)

Based on the above, the Court must grant habers relief to Gree; on this ground along with any other relief the Court deems fair and just.

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AO 72 (Rev. 8/82)

Case 3:08-cv-03501-MMC
". Ground 2 or Ground 5 (if applicable): "GROUND 5"; Page #1
GIEG'S Right to Effective Assistance of Appellate Counsel, AS gunranteed under the Fifth, Sixth and Fourteenth Amendments of the
gunranteed under the Fifth, Sith and Fourteenth Amendments of the
United States Constitution, was violated when coursel deliberately his
to discover and include now-frivolous issues into the appellant's brie,
a. Supporting facts:
The 10th of the 10th of the 10th of the 11th of the 11
It was defective and weffective representation of appellate
counsel when counsel failed to RAISE ON Append the following
NON-FRIVOROUS ISSUES: (1) GEEG'S CONVICTIONS ARE BASED ON LESS
than proof beyond A REASONABLE doubt of every Element of
the charged crimes As fully set forth herein At Ground ONE;
(2) the prosecutor committed several instances of prosecutoria
misconduct as fully set firth herein at Ground Two;
(3) the jury failed to respond howestly to the defence
counsels questions during voir dire as fully set forth herein
At GROUND THREE; And (4) trial counsel was ineffective
when he failed to challenge the overt Acts IN support of the
ConspiRacy charge; failed to object to the false and
UNSupported and deceitful material statements presented
At trial by the prosecutor; And failed to use preemptory
Challenge to excuse juror John Elward, As fully set forth
hEREIN At GROUND FOUR. Nove of these issues ARE frivolous.
(SEE CONTINUATION, Additional Page)
Supporting cases, rules, or other authority: Smith V. Robbins, 528 U.S. 259 (2000); Brecht V. Abrahamsun,
507 U.S. 619 (1993); DONNELLY V. DEChRistoforo, 416 U.S. 637
(1974)

PETITION FOR WRIT OF HABEAS CORPUS

Page four of six

(C-275 [Rev. July 1, 2005)

Continuation of "Ground 5"; Page #2

Any REASONAbly effective Appellate coursel would have RAISED EACH of the mentioned issues on direct appeal to acquire the REVERSAL of the lower Court's judgment. Appellate counsel RAISED the following claims on Appeal: insufficient evidence to peave conspiracy to commit murder; Essufficient evidence to prove 1 Attempted murder; jury misconduct; remail for 8 RESENTENCING UNCLER PEOPLE V. SupERIOR COURT; AND 9 joinder in co-defendants arguments. Had 10 Coursel Incorporated the mentioned NOW-frivolous 11 Issues INto the appellate beief, the issues would have 12 provided evidentiary support for the claims raised 13 therein and contributed to the perseverance of A SUCCESSFUL APPEAL. HOWEVER, APPELLATE COUNSEL'S failure to paise the issues in question deprived GREG of A prosperous and triumphant appeal and the Right to effective Representation of counsel on appeal IN violation of his Fifth, Sixth and Tour teenth Amendments of the United States Constitution. Based ON the Above, the Court must grant habers pelief to GREG ON this ground and any other relief the Court deems fair And just.

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∿AO 72 Rev. 8/82)

 6. Did you appeal from the conviction, sentence, or commitment? Yes. No. If yes, give the following information: a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):
. Court of Appeal of the State of Calif., First Appellate District, Division Four
b. Result Affirmed c. Date of decision: JANUARY 28, 1995
d. Case number or citation of opinion, if known: No. A072126
e. Issues raised: (1) Insufficient evidence to prave conspictly to commit murder;
(2) Insufficient evidence to prove Attempted murder; (3) They Misconduct; (4) Roman
for resentaging under Page V. Sugariar Court; And (5) Joindar in co-defendant
f. Were you represented by counsel on appeal? Yes. \(\sigma\) No. If yes, state the attorney's name and address, if known:
Victor Blumenkrantz; P.O. Box 9586; Berkeley, CA 94709
9. Did you seek review in the California Supreme Court? Yes No. If yes, give the following information:
a. Result Devied b. Date of decision: April 29, 1998
c. Case number or citation of opinion, if known: 5068320
d. Issues raised: (1) SAME A3 Above
(2)
(3)
10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal: The Posites Raised herein are based on matters outside the record on appeal.
TRIAL AND Appellate course's well ineffective in failing to paise these issue
1. Administrative Review: a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See In re Muszalski (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review: NA
·

b. Did you seek the highest level of administrative review available?

MC-275 (Rev. July 1, 2005)

:	12. Other t	han direct apr ea tment, or issue i	I, have you filed any	y other petitions, app Yes. If yes, continu	lications, or motions we with number 13.	_	onviction, to number 15.
			•	_	no Francisco	,	
					on"): HABERS		Hiav
					Vo. 2 Affixe		
		(b)					
	(4) f	Result <i>(Attach or</i>	der or explain why u	ınavailable): DE	NiEd; SEE A	Hacknest	No. 3
	(5) [Date of decision:	May 30	,2007			
				, ,	the State of	California	9
			. /	Coepus 7	,		·
					No. 2 Aff	xed herer	6.)
	. ((b)					
	(4) R	esult (Attach ord	ler or explain why ui	navailable): <u>)e</u>	wied; SEE	Altachme	at No. 4
			July 5,				
	c. For a	dditional prior pe	etitions, applications	, or motions, provide	the same information	n on a separate page	Э.
14	4. If any of the	he courts listed i	n number 13 held a	hearing, state name	of court, date of hear	ring, nature of hearing	ig, and result:
	_///				· · ·	<u>.</u>	
15	 5 Explain ar	ov delay in the di	scovery of the claim	ned arounds for relie	f and in raising the cla	aims in this petition	(See In re Swain (1949)
,	34 Cal.2d	300, 3047		, · ,	2 Affixed		(,
			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	700.	· · · · · · · · · · · · · · · · · · ·	maio.	
16.	Are you pr	esently represer	nted by counsel?	Yes.	No. If yes, state the	attorney's name and	address, if known:
	-		•		_		
17.	. Do you hav	ve any petition, a	uppeal, or other mat	ter pending in any co	ourt? Yes.	No. If yes,	explain:
		· ·				<u> </u>	. •
8.	. If this petition	on might lawfully	have been made to	o_a lower court,,state	the circumstances ju	ustifying an applicati	on to this court:
,	The pe	tition u	us deviegt	/ / // _	upERior Co		N FRANCISCO
4	AND B	y the Co	rupt of F	paperal of	the State of	f' CAliforn	ViA.
tha	at the forego	ing allegations a	ind statements are t	true and correct, exc	ept as to matters that	t are stated on my i	the State of California
111	tack ment	ymatters, I belie		UNDER PENAI E THEM TO BE	by of perguin	y I Also de	TOLARE THAT THE
)ati	275 [Rev. January 1	1/07	DETITIO	N FOR WRIT OF HA	BEAS CORPUS	(SIGNATURE OF PETITION	NER)
			FE111101	A FOR WITH UP DA	くしにべつ ししたとしつ		rayeoute

Deckertion of Service

CASE NAME:	Ploun	V. Cemples, SATF-	CORORAN PRISON
CASE No.:			

I declare:

On August I, 2007, I served the Attriched

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the prison mail collection system at SITE-CORCORAN , Addressed as follows:

C'Alifornia Supreme Court 350 Nc Allister St.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 8/1/07

Grandy L. Brown Girellay L. Brown GREGORY L. BROWN, the Appellant, declares under penalty of pergury that the faregoing as tout and correct.

Date: 8/1/07

Respectfully submitted, Shegory L. Brown GREGORY L. BROWN, Appellmet

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San Francisco County Superior Coun

MAR 1 7 1995

SUPERIOR COURT OF THE STATE OF CALIFORN FX: Notate Of Clerk

CITY AND COUNTY OF SAN FRANCISCO

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PEOPLE OF THE STATE OF CALIFORNIA,

NO. 159271

Plaintiff,

vs.

F. ANDREWS

GREGORY BROWN, WANDA FAIN and JOSEPH DIGGS,

INFORMATION

Defendants

COUNT I:

GREGORY BROWN, WANDA FAIN and JOSEPH DIGGS

are accused by the District Attorney of the City and County of San Francisco, State of California, by this Information, of the crime of felony, to wit: VIOLATION OF SECTION 182.1 OF THE CALIFORNIA PENAL CODE committed as follows: The said defendants on or about the 7th day of January, 1995 to the 7th day of February, 1995, both dates inclusive, at the City and County of San Francisco, State of California, did wilfully and unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of MURDER, in violation of Section 187 of the Penal Code, a felony; that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendants committed the following overt act and acts at and in the County of San Francisco:

OVERT ACTS

OVERT ACT NUMBER 1

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Wanda Fain did write a note containing threats against Robin Williams.

 ~ 602

People v. Gregory Brown, et al.

SC 159271

Page 2

OVERT ACT NUMBER 2

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Wanda Fain did put the note in an envelope with a photograph of Robin Williams which was taken by defendant Gregory Brown and which was given to Fain by defendant Gregory Brown.

OVERT ACT NUMBER 3

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Wanda Fain did deliver the threatening note and photograph to Robin Williams.

OVERT ACT NUMBER 4

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Gregory Brown did accompany defendant Wanda Fain to deliver the threatening note to Robin Williams.

OVERT ACT NUMBER 5

The Transfer of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Gregory Brown did encourage defendants Wanda Fain and Joseph Diggs to murder Robin Williams.

OVERT ACT NUMBER 6

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Gregory Brown, Wanda Fain and Joseph Diggs did reside at the same address of 126 Blythdale Street in San Francisco.

OVERT ACT NUMBER 7

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendant Wanda Fain did provide cocaine base, also called "crack" cocaine, to Robin Williams.

003

People v. Gregory Brown, et al.

SC 159271

Page 3

OVERT ACT NUMBER 8

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendant Wanda Fain did encourage Robin Williams to go to Jerrold Street with defendants Wanda Fain and Joseph Diggs.

OVERT ACT NUMBER 9

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did get on the Number 15 bus with Robin Williams.

OVERT ACT NUMBER 10

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did exit the bus with Robin Williams at 3rd and McKinnon Streets in San Francisco.

OVERT ACT NUMBER 11

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did take Robin Williams with them to Jerrold Street with the intention of murdering Robin Williams.

OVERT ACT NUMBER 12

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did walk on Jerrold Street approaching Quint Street with Robin Williams.

OVERT ACT NUMBER 13

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that while walking with Robin Williams defendants Wanda Fain and Joseph Diggs did shoot Robin Williams in the back of the head with a 9mm semi-automatic pistol.

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People v. Gregory Brown, et al.

SC 159271

Page 4

OVERT ACT NUMBER 14

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did shoot at Robin Williams again while she was lying on the ground.

<u>USE OF FIREARM ALLEGATION PURSUANT TO PENAL CODE SECTION 12022.5(a)</u> [As to defendant JOSEPH DIGGS only]:

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, JOSEPH DIGGS, personally used a firearm, to wit, a 9 mm semi-automatic pistol, within the meaning of Penal Code Section 12022.5(a) and also causing the above offense to be a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

ARMED WITH A FIREARM ALLEGATION PURSUANT TO PENAL CODE SECTION 12022(a)(1)[As to defendants GREGORY BROWN and WANDA FAIN only]:

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm, to wit, a 9 mm semi-automatic pistol, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

ALLEGATION OF FELONY COMMITTED WHILE ON BAIL AND ON OWN RECOGNIZANCE PURSUANT TO PENAL CODE SECTION 12022.1[As to defendant GREGORY BROWN only]:

It is further alleged that the defendant, GREGORY BROWN, committed the above offense while he was released from custody in a felony offense, on bail and on his own recognizance, within the meaning of Penal Code Section 12022.1.

COUNT II:

The said defendants GREGORY BROWN, WANDA FAIN AND JOSEPH DIGGS, are further accused by the District Attorney of the City and County of San Francisco, State of California, by this Information, of the crime of felony, to wit: VIOLATION OF SECTION 664/187 OF THE CALIFORNIA PENAL CODE committed as follows: The said defendant on or about the 7th day of February, 1995, at the City and County of San Francisco, State of California, did wilfully, unlawfully, and with malice aforethought attempt to murder ROBIN WILLIAMS, a human being.

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LSUF	SUPERIOR CO T IN THE CITY AND COUNTY OF SAN F ICISCO - MINUTES +					
People of the State of California vs. GREGORY L. BROWN						
sc •	Assistant DA of Record		Attorney of Record			
159271-01	<u></u>	Present	S. ARIAN	X Present		
	Clork		Judge			
	JOSIE C. ROQUE		DAVID A. GARCIA			
Reporter						
JOSEPH H. VICKSTEIN#4780, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103						

Cause on Calendar for Arraignment Special appearance by G. KOELLING, DA for the Assistant DA of Record. Defendant has retained ARIAN/S, Esq.

Count	Code	Section	Degree	MC #	Plea
1	PC	182.1/F		01563370	NG
2	PC	664.187/F		01563370	NG

Defendant waives formal reading of the information.

Defendant is duly arraigned. Not guilty plea(s) as to each count and denial of any and all allegation(s), entered.

The defendant declares his/her true name to be that stated in the accusatory pleading.

Cause is ordered continued to 04/24/95 at 09:30 a.m. in Department S22 for Trial.

18/

Dept. S22 Date 03/20/95 Page 1

Attest: JOSIE C. ROQUE ____ Deputy Clerk

SUF	PERIOR COUNTY OF	SAN F ICISCO - MINUTES	010		
People of the State of Cal	Ifornia vs. WANDA LOUISE FAIN		X Present		
sc /	Assistant DA of Record	Attorney of Record			
159271-02_	. Present	F. FUETSCH	X Present		
	Clerk	Judge			
	JOSIE C. ROQUE	DAVID A. GARCLA			
Reporter					
JOSEPH H. VICKSTEIN#4780, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103					

Cause on Calendar for Arraignment Special appearance by G. KOELLING, DA for the Assistant DA of Record. Court has appointed FUETSCH/F, Public Defender.

Count	Code	Section	Degree	MC #	Plea
2	PC	664.187/F	1	01559424	NG
3	PC	245(A).2/F		01559424	NG
1	PC	182.1/F		01559424	NG

Defendant waives formal reading of the Information.

Defendant is duly arraigned. Not guilty plea(s) as to each count and denial of any and all allegation(s), entered.

The defendant declares his/her true name to be that stated in the accusatory pleading.

Cause is ordered continued to 04/24/95 at 09:30 a.m. in Department S22 for Trial.

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S22 Date 03/20/95 Page 1

JOSIE C. ROQUE

SUF	PERIOR CO IN THE CITY AND COUNTY OF	SAN FE CISCO - MINUTES	0.1.1	
People of the State of Cal	ifornia vs. JOSEPH DIGGS		∇ Present	
SC /	Assistant DA of Record	Attorney of Record		
<u>159271</u> –03	F. ANDREWS Present	MARC SILVERSMIT	X Present	
	Clerk	Judge		
	JOSIE C. ROQUE	DAVID A. GARCIA		
Reporter				
JOSEPH H. VICKSTEIN#4780, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103				

Cause on Calendar for Arraignment Special appearance by G. KOELLING, DA for the Assistant DA of Record. Court has appointed SILVERSMIT/MARC, conflict counsel.

Count	Code	Section	Degree	MC #	Plea
2	PC	664.187/F	1	01559442	NG
3	PC	245(A).2/F		01559442	NG
4	PC	12021A1/F		01559442	NG
1	PC	182.1/F		01559442	NG

Defendant waives formal reading of the information.

Defendant is duly arraigned. Not guilty plea(s) as to each count and denial of any and all allegation(s), entered.

The defendant declares his/her true name to be that stated in the accusatory pleading.

Cause is ordered continued to 04/24/95 at 09:30 a.m. in Department S22 for Trial.

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 Dept.
 S22
 Date
 03/20/95
 Page
 1

 Attest:
 JOSIE C. ROQUE
 Deputy Clerk

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MAR 2 4 1995

ALAN GARLOOM, Clark BY: ________ Spany Charte

STEPHEN ARIAN, Attorney at Law State Bar No. 38939 Pier 33 South, #200 San Francisco, CA 94111 (415) 434-1550

Attorney for Defendant GREGORY L. BROWN

SUPERIOR COURT OF THE STATE OF CALIFORNIA CITY AND COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE OF CALIFORNIA,) Plaintiff,

No. 159271 - 0/

12

NOTICE OF MOTION FOR DISMISSAL OF COUNTS I AND II OF THE INFORM-ATION UNDER SECTION 995

OF THE PENAL CODE

GREGORY L. BROWN, WANDA FAIN, and JOSEPH DIGGS,

vs.

Date: April 7, 1995 Time: 9:00 A.M.

Defendants.

Dept:

To the District Attorney of the City and County of San Francisco and to FLOYD ANDREWS, Deputy District Attorney:

PLEASE TAKE NOTICE that on the day of April 1995, at 9:00 A.M. or as soon thereafter as the matter may be heard in Department 23 of the above entitled court, defendant GREGORY L. BROWN, through counsel will move the court for dismissal of Count I and II of the indictment herein as it relates to said defendant GREGORY L. BROWN, and to strike the enhancement allegations as they relate to said GREGORY L. BROWN, all under Section 995 of the California State Penal Code.

This motion is made on the grounds that there is no competent evidence to show probable cause to hold defendant

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE O	F CALIFORNIA VS.	ACTION NO. 15927	11
		F. Andrews ASSISTANT D.A.	PRESENT
GREGORY L. BROWN DEFENDANT	-1 PRESENT	S. Arian DEFENSE COUNSEL	PRESENT
WANDA LOUISE FAIN DEFENDANT	-2 PRESENT	F. Fuetsch PD DEFENSE COUNSEL	PRESENT
JOSEPH_DIGGS DEFENDANT	-3 PRESENT	M. Silversmit DEFENSE COUNSEL	PRESENT

CAUSE ON CALENDAR <u>Mo. 995 PC (all); Mo. handwriting exemplar (Diggs)</u>
Mo. discovery (Diggs); Motion for joinder in motions (Fain, Brown)

9:15 A.M.

The Court grants motion for joinder.

The Court grants the motion for discovery in part.

The Court grants the motion for handwriting exemplar.

9:30 A.M. The Court orders the matter continued to 1:30 P.M. for hearing on 995 PC motion. 2:50 P.M.

Hearing resumes. The Court grants the 995 PC motion as to defendant BROWN (Great Bodily Injury Allegation only). The 995 PC motion is denied in all other respects.

Defendants are given standing to participate in the 1538.5 PC hearing in case #159194 (Gregory Brown) Copy of proceedings had in that matter are attached and incorporated herein by reference.

DEPT. 27 DATE April 5, 1995 PAGE

ATTEST: DEPUTY CLERK

P. Ø2

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MARC J. ZILVERSMIT, ESQ.
RIORDAN & ROSENTHAL
Attorney At Law
523 Octavia Street
San Francisco, CA 94102
Telephone: (415) 431-3472
Attorney for Defendant JOSEPH DIGGS
```

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN FRANCISCO

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

DECLARATION OF

VS.

JUROR JOHN ELWOOD

Defendant.

I, John Elwood, declare under penalty of perjury that:

I was a juror in the case of <u>People v. Joseph Diggs, Wanda</u>
Fain, and Gregory Brown, No. 159271.

During our deliberations we prepared a time line from

January 6 to February 10 and made a time line for the evening of

the incident. We were particularly concerned with the period

between 7:30 pm and 8:35 pm on the night of the shooting. To

help reconstruct what happened during that period, we consulted

bus schedules that Jurors Alvin Bernstein and Monell Beurmann

brought in on the second day of deliberations. These schedules

provided us information about the intervals between buses and the

frequency with which buses came; this information helped us fill different

in our time line from 7:30 pm until 8:35 pm on the night of the shooting

Declaration of John Elwood Page 1

We also discussed a number of other things in our . deliberations. We discussed the inconsistencies between defendant Wanda Fain's statement and defendant Joseph Diggs' statement. We discussed how these inconsistencies demonstrated that at least one of them was lying.

There was also discussion about access to guns which was in reference to defendant Greg Brown's prior arrest.

There were also discussions about defendant Greg Brown being a drug dealer and his propensity for violence and drugs and that kind of lifestyle. This was mostly in reference to defendant Brown's state of mind. Some jurors discussed that as a drug dealer, Brown's state of mind may be twisted and power hungry. Some jurors also discussed that as a drug dealer, Brown might feel that there would be no consequences to his actions if he killed Robin Williams. The wars who have to discussed that if you do crack he can someone also made reference to the fact that if you do crack he can cocaine, it does not mean you lose your memory.

Some jurors also discussed defendant Joseph Diggs' medical condition, specifically his tremor. Juror Jordan Owens stated that this might explain how Diggs could have shot at Robin Williams and missed.

Executed this S day of JULY, 1995 in San Francisco, California.

JOHN ELWOOD Declarant

Declaration of John Elwood

28 Page 2

"A"

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record that Mr. Brown personally did it?

MR. ANDREWS: I don't believe that with the conspiracy count I have to prove personal great bodily injury.

THE COURT: Well, you read it. It says:

"It is further alleged in the commission of the above offense said defendant, with the intent to inflict such injury, personally inflicted great bodily injury on Robin Williams." If you look at page 6 of the Information.

MR. ANDREWS: If it's plead that way, it is incorrect.

The matter is submitted.

THE COURT: All right. Is the matter submitted?

MR. ARIAN: Submitted, your Honor.

THE COURT: All right. The Court will grant the 995 Motion as to the great bodily injury allegation as to Mr. Brown. The other counts, the 995 motion is denied.

Let's go to the motion to suppress now.

All right. We will get started with it now. All right. Call your first witness.

MR. ANDREWS: Thank you, your Honor.

I will call Officer Walsh to the stand.

I will ask that Officer Jefferson be designated as my investigating officer.

THE COURT: All right.

MR. ARIAN: Your Honor, may I ask for an order excluding all witnesses?

THE COURT: Yes. All witnesses will be ordered excluded from the courtroom. You are not to discuss the testimony

instructions as it relates to how you are to conduct yourself. The process is as important as the product.

Does anyone have a problem or would they have a problem with following the instructions of the Court even if the result that would be reached by following the instructions of the Court were contrary to your gut reaction in a case as serious as the one that's charged here?

PROSPECTIVE JUROR: I think I would have a problem with it.

MR. FUETSCH: Do you feel as though -- well, actually could you explain what you mean by you would have a problem with that?

PROSPECTIVE JUROR: I believe there's a higher authority than legal authority that is like moral authority, and to follow like a set of rules rather than more of a moral thing, I think I would be hardpressed to follow the set of rules that are outlined by law.

MR. FUETSCH: Let me ask you a pointed question. If, for example, and I'm not saying it's going to happen, if, for example, in the middle of the night the police came to your home and forced their way in and just searched your house and in your home discovered bombs, machine guns, bottom making material, whatever they discovered is illegal. And the prosecution sought to prosecute you for the crime of possessing that material or that item. There are laws, of course, that allow you as an individual through your attorney or

individually to challenge the admissibility of such evidence, and the basis or reason for the law that allows you to challenge such evidence is the law of the constitution. That is, while we may not condone your conduct in possessing that, we nevertheless must hold the authorities to a very high standard. In the case I've described, that evidence wouldn't be admissible against you to convict you.

Do you think that's wrong?

PROSPECTIVE JUROR: No. In that particular case I don't think that's wrong, but I think if you

PROSPECTIVE JUROR: No. In that particular case I don't think that's wrong, but I think if you misconstrue the constitution or broaden its actual authority, then I think that could be potentially wrong.

MR. FUETSCH: But in the illustration I've given you --

PROSPECTIVE JUROR: That's fine, I wouldn't have any problem with that.

MR. FUETSCH: One individual, and I think actually it was you again, indicated that you had been attacked some years ago by someone, correct?

PROSPECTIVE JUROR: That's correct.

MR. FUETSCH: And you suffered a concussion as a result of that?

PROSPECTIVE JUROR: A mild concussion.

MR. FUETSCH: Has anybody else here suffered a severe injury, say in, for example, an automobile accident or been attacked, anything wherein they've lost consciousness as a result of that injury.

All of us have ways of looking at things that control the way we lead our lives. We may think of that as a bias, but it's there. In this rather imperfect process we try to get at that a little bit, and I'm sure you'll all agree this is an imperfect process.

In that connection, and I don't want anyone, as Mr. Zilversmit said, to think that any of us are picking on you. We're really not, but when we hear things we feel the necessity within the time alotted to us to explore it.

Mr. Elwood, I heard you say something about broadening the authority of the constitution. Do you recall that comment?

PROSPECTIVE JUROR: I do.

MR. ARIAN: I wonder if you could say any more about that. I didn't get your complete thought.

PROSPECTIVE JUROR: My thought is a lot of, let's say, somebody's on trial, the jurors sit through the entire trial, they have a gut feeling that these defendants are, let's say, guilty, but a lot of circumstantial evidence has been brought in and it's been found -- or a legal issue has been brought up, a minor legal issue that speaks to their innocence. You're supposed to think they're innocent even though they're guilty, because it's a legal argument and it takes precedence over how you feel. You're suppose to follow that rather than now you feel, and you're supposed to say, yes, in fact, they're innocent when you feel they're

guilty.

MR. ARIAN: As I hear what you're telling me, and please correct me, you're saying that as a juror your gut reaction is very important and you're going to pay a lot of attention to that?

PROSPECTIVE JUROR: No, you pay attention to the facts, but I'm saying that the facts don't necessarily jibe with, let's say, some legal arguments that take precedence over the facts. If you've listened to all the facts and you say, yes, they are innocent or guilty, but some legal precedence makes you dismiss that, then I have a big problem with that.

MR. ARIAN: You might not be able to do that?

PROSPECTIVE JUROR: No, I would not.

MR. ARIAN: Would that hold if the judge at the close of the case instructed you that you were to consider this evidence in a certain way and the instructions of the judge went counter to the feelings you just described, would you be forced to go with your feelings or the higher moral law you found, or would you feel compelled to follow the instructions of the Court with respect to that specific issue that was presented?

PROSPECTIVE JUROR: I really don't know sitting here right now.

MR. ARIAN: Would you have trouble with it?

PROSPECTIVE JUROR: I would have major

problems.

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1	MR. ANDREWS: Was that a trial here on the
2	third floor of the building?
3	PROSPECTIVE JUROR: Uh-huh.
4	MR. ANDREWS: Was that by any chance in
5	front of the same judge?
6	PROSPECTIVE JUROR: No, it was not.
7	MR. ANDREWS: Was there a feeling on your
8	part that it was as a result of a lack something
9	lacking on the part of the police department?
10	PROSPECTIVE JUROR: No.
11	MR. ANDREWS: How about the District
12	Attorney?
13	PROSPECTIVE JUROR: No.
14	MR. ANDREWS: When you say there was not
15	enough evidence, was there an identification issue.
16	MR. ZILVERSMIT: I'll object. He's seeking
17	to find out how this juror voted on that.
18	MR. ANDREWS: I didn't ask that.
19	THE COURT: Sustained.
20	MR. ANDREWS: Did you you don't have any
21	problem with serving as a juror today on a similar kind
22	of case?
23	PROSPECTIVE JUROR: No.
24	MR. ANDREWS: Thank you, Your Honor, I have
25	nothing further.
26	THE COURT: At this point does any party
27	wish to enter a challenge for cause?
28	But before you do that, Mr. Elwood, I was

little unclear about your statements.

Let me just read this question to you again: It important that I have your assurance that you will without reservation follow my instructions and rulings on the law and will apply that law to the case. To put it differently, whether you approve or disapprove of my instructions, it is your solemn duty to accept as correct my statements of the law. You may not substitute your own idea of what you think the law ought to be.

Would you be able to follow the law as given by me in this case?

PROSPECTIVE JUROR: I would, but I may have a problem with that, internal conflict.

THE COURT: I understand that. Okay.

Any party wish to exercise a challenge for cause? Please approach sidebar with the court reporter.

[Following bench conference not reported:]

MR. ZILVERSMIT: I have three challenges for cause, Judge. Wiley, Elwood and Lee.

Taking those, Mr. Lee because he obviously doesn't comprehend sufficient language to participate as a juror.

MR. ANDREWS: Are we doing --

THE COURT: Cause.

MR. ANDREWS: -- the whole 24 or just people in the box?

THE COURT: All 24.

MR. ZILVERSMIT: So Mr. Lee because of

The defense talk about, and it's all smoke and mirrors, he talks about all these other people who could want to kill her; it's the 240 pound guy, the 190 pound guy, all these people.

And yet how does this work? How do you we get those people on Jerrold Avenue to shoot her in the head? It does not happen. How else do you figure it?

Robin is wandering down the street and -finish the sentence somehow. You can't. The only thing
that works, the only thing that fits the physical
evidence, the testimony of the witnesses, the taped
statements, testimony from the experts, the only thing
that works is that she's on Jerrold Avenue because she's
following Joseph Diggs and Wanda Fain.

Wanda is not writing this because she's mad, she's writing this for Gregory Brown. They're all in the same house. Gregory has got a problem, he's got a court case coming up. But he knows how to deal with this problem. Because he's got a gullible little girl, and he can get her out to Jerrold Avenue and shoot her and leave her for dead through the other two, and that's it. That would be easier. That will be clean. If they had done the wrong right and killed her, you wouldn't be here today because we wouldn't have any clue.

And that's all I have to say. I want you to look carefully at what you've heard, what you saw. If somebody said something on that stand, just because we're

in court, we're in a formal setting, everybody says
"please" and "thank you," does not mean you should
believe anything you hear here that you wouldn't believe
outside those doors?

Use your common sense. You certainly shouldn't believe anything you've heard here unless it fits the evidence you've heard.

Based on that I'm asking you to find the defendants guilty of attempted murder of Robin Williams. Because they did it.

Conspiracy to commit murder.

Assault with a deadly weapon.

Possession of a firearm by an ex-felon.

Because they did it, for no other reason.

They did it, and that's why you're here today.

Thank you, Your Honor.

THE COURT: Thank you, Mr. Andrews.

At this point, ladies and gentlemen, it's quarter to 5. I have about ten minutes worth of instructions to read you, the concluding instructions, then I want to go over the verdict forms with you which is going to take some time.

Rather than do that today we're going to reconvene tommorow at 10. I will then finish the instructions, go over the jury forms, and we'll be finished.

I know one of you has a problem tomorrow, and hopefully you can change the appointment either later

ATTACHMENT 2

KESpense to Question # 13 a of this petition:

(3) Issues paised: 1) GREG'S conviction, WAS based on less throw peoof beyond A REMSONAble doubt of EVERY Element of the charged crime; 2.) Prosecutorial mis conduct: the prosecutor sutroduced false mul UNSUpport and deceitful material statements at trial; 3.) Jury misconduct: juror gave intentional false Answers during voir dire; 4.) Ineffective Assistance of trial coursel; and 5.) Ineffective Assistance of appellate coursel.

RESPONSE to QUESTION # 15 of this petition:

"Explain any delay on the discovery of the charmed grounds
for relief and on raising the clasure on this petition."

Ineffective assistance of trial and appellate counsels. The ossues
RASSED perein are on matters outside the record on appeal, and GREG PACKED BASIC EDUCATION AND All LEGAL KNOWLEDGE, UNTIL NOW, TO PURSUE THE PSSUES MEREIN. MOREOVER, GREG HAS BEEN SUFFERING FROM MAJOR DEPRESSION AND MENTAL 9//NESSES SINCE AND AS A RESULT OF his WRONG Ful CONVICTIONS AND IMPRISONMENT.

ATTACHMENT 3

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OF

GREGORY L. BROWN

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SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE CITY AND COUNTY OF SAN FRANCISCO

Department No. 22

IN THE MATTER OF THE APPLICATION

Petitioner,

FOR A WRIT OF HABEAS CORPUS

WRIT NO. 5568

ORDER

ENDORSED San Francisco County Superior Court

MAY 3 0 2007

GORDON PARK-LI, Clerk CARLOS BARRAZA Deputy Clerk

On April 25, 2007 this Court received a Petition for Writ of Habeas Corpus from petitioner Gregory L. Brown ("Petitioner"). On May 25, 1995, Petitioner was convicted of conspiring to commit murder and of attempted murder. On January 28, 1998, the First District Court of Appeal affirmed the judgment with sentencing modifications. On April 29, 1998, the California Supreme Court denied review. Petitioner is serving 56 years to life at Corcoran State Prison.

Petitioner seeks habeas relief on four grounds. He claims that the verdict was not supported by sufficient evidence and that the prosecutor "maliciously and intentionally introduced false and unsupported and deceitful material statements at trial." He also claims that jurors committed misconduct and that his trial and appellate counsel provided ineffective assistance of counsel.

Petitioner was convicted almost 12 years ago and the Court of Appeal affirmed his conviction over nine years ago. Under wellestablished California law, a petition should be filed as promptly as the circumstances allow. As a result, the petitioner must explain in detail and "justify any substantial delay in presenting a claim." (In re Clark (1993) 5 Cal.4th 750, 765); In re Swain (1949) 34 Cal.2d 300, 302.) Where there has been significant delay in seeking habeas relief, the petitioner must describe circumstances sufficient to justify or explain the delay. the bar of untimeliness, the petitioner has the burden of establishing: (1) the absence of substantial delay; (2) good cause

for the delay; or (3) that the claim falls within an exception to the bar of untimeliness. (In re Robbins (1998) 18 Cal.4th 770, 781; see also Clark, supra, 5 Cal.4th at 775 ["[i]f a petitioner had reason to suspect that a basis for habeas corpus relief was available, but did nothing to promptly confirm those suspicions, that failure must be justified"].)

As an initial matter, Petitioner's insufficient evidence and juror misconduct claims are barred because they were raised - and rejected - on appeal. Because these issues were "previously raised and rejected on direct appeal, and because the [P]etitioner does not allege sufficient justification for the issues['] renewal on habeas corpus," the issues are "procedurally barred from being raised again." (Harris, supra, 5 Cal.4th at 825; see also In re Sakarias (2005) 35 Cal.4th 140, 145.)

Petitioner's ineffective assistance of trial and appellate counsel claims fail for two reasons. First, he has failed to justify the delay in bringing these claims. Instead of alleging facts to demonstrate good cause for the delay, Petitioner claims that he "lacked basic education and all legal knowledge, until now" and that he was somehow prevented from seeking relief because he has "been suffering from major depression and mental illness." These contentions have no merit. Petitioner does not allege when he began suffering "major depression and mental illness," nor does he allege how these conditions prevented him from seeking writ relief. Moreover, Petitioner does not explain how his alleged lack of "legal knowledge" prevented him from consulting his appellate attorney about a possible claim for ineffective assistance of trial counsel, or from contacting an attorney to inquire into the quality of representation provided by his appellate counsel.

Even assuming Petitioner's ineffective assistance of counsel claims are not time-barred, these claims fail because Petitioner has not provided any documentation to support his claims that his trial and appellate counsel provided ineffective assistance. It is well settled that a petition for writ of habeas corpus should: (1) state fully and with particularity the facts upon which relief is sought; and (2) include copies of reasonably available documentary evidence supporting the claim, including pertinent portions of trial transcripts and affidavits or declarations. (People v. Duvall (1995) 9 Cal.4th 464, 474.) Conclusory allegations made without any explanation of their basis do not warrant relief. (People v. Karis (1988) 46 Cal.3d 612, 656; see also In re Swain (1949) 34 Cal.2d 300, 303-304.)

Petitioner's failure to attach any supporting documentation to his petition prevents this Court from conducting a meaningful review of his ineffective assistance of counsel claims.

"To establish ineffective assistance of counsel . . . a defendant must show that counsel's representation fell below an objective standard of reasonableness under prevailing professional norms, and that counsel's deficient performance was prejudicial, i.e., that a reasonable probability exists that, but for counsel's failings, the result would have been more favorable to the defendant." (Strickland v. Washington (1984) 466 U.S. 668, 687-688; People v. Waidla (2000) 22 Cal.4th 690, 718.) Even assuming Petitioner's claims about his attorneys' conduct at trial and during his appeal are accurate, his claims fail because he has not demonstrated that his counsels' performance "fell below an objective standard of reasonableness" and that there is a reasonable probability that, but for counsel's alleged errors, "the result of the proceeding would have been different." (People v. Ledesma (1987) 43 Cal.3d 171, 218.) "When a defendant challenges a conviction, the question is whether there is a reasonable probability that, absent the errors, the factfinder would have had a reasonable doubt respecting guilt." (Ledesma, supra, 43 Cal.3d at 218, citing Strickland, supra, 466 U.S. at 693-94].)

For the foregoing reasons, Petitioner's writ of habeas corpus is DENIED.

5/25/07

Judge of the Superior Court

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ATTACHMENT 4



IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

FILEO

DIVISION FOUR

JUL - 5 2007

In re GREGORY L. BROWN,

on Habeas Corpus.

(San Francisco County
Super. Ct. No. 5568)

BY THE COURT:

The petition for writ of habeas corpus is denied. Petitioner has not demonstrated good cause for a delay of over 9 years in seeking habeas relief, nor has he shown his petition should be considered under one of the exceptions to the requirement that habeas relief be timely sought. (See *In re Robbins* (1998) 18 Cal.4th 770, 780-781.) Further, some of the claims asserted in the petition are barred because they were raised and rejected on appeal. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)

(Ruvolo, P.J., and Rivera, J., joined in the decision.)



Deckertion of Service

CASE No.: BROWN V. WARDS, SATT-CORCORN PRISON

I declare:

On August 1, 2007, I served the Attriched GREG'S Supporting Documents For The Pairtion For Whit Of Homens Corpus Served On August 1, 2007

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the prison mail collection system at Corpe Corcorn, in California, addressed as follows:

California Supreme Court 350 Mc Allister St. SAN FRANCISCO, CA 94/02

I declare under penalty of perjuly that the foregoing is true and correct.

Dated: 8/1/07

Gicocopy L. Brown





S155258

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re GREGORY L. BROWN on Habeas Corpus

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C. J., was absent and did not participate.

SUPREME COURT FILED

JAN 3 0 2008

Frederick K. Ohlrich Clerk

Deputy

BAXTER

Acting Chief Justice

EXHIBIT G

San Francisco County Superior Coun

MAR 1 7 1995

Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNEX

CITY AND COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE OF CALIFORNIA,

NO. 159271

Plaintiff,

vs.

F. ANDREWS

GREGORY BROWN, WANDA FAIN and JOSEPH DIGGS,

INFORMATION

Defendants

COUNT I:

GREGORY BROWN, WANDA FAIN and JOSEPH DIGGS

are accused by the District Attorney of the City and County of San Francisco, State of California, by this Information, of the crime of felony, to wit: VIOLATION OF SECTION 182.1 OF THE CALIFORNIA PENAL CODE committed as follows: The said defendants on or about the 7th day of January, 1995 to the 7th day of February, 1995, both dates inclusive, at the City and County of San Francisco, State of California, did wilfully and unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of MURDER, in violation of Section 187 of the Penal Code, a felony; that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendants committed the following overt act and acts at and in the County of San Francisco:

OVERT ACTS

OVERT ACT NUMBER 1

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Wanda Fain did write a note containing threats against Robin Williams.

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People v. Gregory Brown, et al.

SC 159271

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OVERT ACT NUMBER 2

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Wanda Fain did put the note in an envelope with a photograph of Robin Williams which was taken by defendant Gregory Brown and which was given to Fain by defendant Gregory Brown.

OVERT ACT NUMBER 3

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Wanda Fain did deliver the threatening note and photograph to Robin Williams.

OVERT ACT NUMBER 4

It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Gregory Brown did accompany defendant Wanda Fain to deliver the threatening note to Robin Williams.

OVERT ACT NUMBER 5

"It is alleged in the City and County of San Francisco, on or about the 7th day of January, 1995 to February 7, 1995, defendant Gregory Brown did encourage defendants Wanda Fain and Joseph Diggs to murder Robin Williams.

OVERT ACT NUMBER 6

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Gregory Brown, Wanda Fain and Joseph Diggs did reside at the same address of 126 Blythdale Street in San Francisco.

OVERT ACT NUMBER 7

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendant Wanda Fain did provide cocaine base, also called "crack" cocaine, to Robin Williams.

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People v. Gregory Brown, et al.

SC 159271

Page 3

OVERT ACT NUMBER 8

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendant Wanda Fain did encourage Robin Williams to go to Jerrold Street with defendants Wanda Fain and Joseph Diggs.

OVERT ACT NUMBER 9

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did get on the Number 15 bus with Robin Williams.

OVERT ACT NUMBER 10

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did exit the bus with Robin Williams at 3rd and McKinnon Streets in San Francisco.

OVERT ACT NUMBER 11

· It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did take Robin Williams with them to Jerrold Street with the intention of murdering Robin Williams.

OVERT ACT NUMBER 12

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did walk on Jerrold Street approaching Quint Street with Robin Williams.

OVERT ACT NUMBER 13

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that while walking with Robin Williams defendants Wanda Fain and Joseph Diggs did shoot Robin Williams in the back of the head with a 9mm semi-automatic pistol.

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People v. Gregory Brown, et al.

SC 159271

Page 4

OVERT ACT NUMBER 14

It is alleged in the City and County of San Francisco, on or about the 7th day of February, 1995, that defendants Wanda Fain and Joseph Diggs did shoot at Robin Williams again while she was lying on the ground.

USE OF FIREARM ALLEGATION PURSUANT TO PENAL CODE SECTION 12022.5(a) [As to defendant JOSEPH DIGGS only]:

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, JOSEPH DIGGS, personally used a firearm, to wit, a 9 mm semi-automatic pistol, within the meaning of Penal Code Section 12022.5(a) and also causing the above offense to be a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

ARMED WITH A FIREARM ALLEGATION PURSUANT TO PENAL CODE SECTION 12022(a)(1)[As to defendants GREGORY BROWN and WANDA FAIN only]:

It is further alleged that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm, to wit, a 9 mm semi-automatic pistol, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

ALLEGATION OF FELONY COMMITTED WHILE ON BAIL AND ON OWN RECOGNIZANCE PURSUANT TO PENAL CODE SECTION 12022.1[As to defendant GREGORY BROWN only]:

It is further alleged that the defendant, GREGORY BROWN, committed the above offense while he was released from custody in a felony offense, on bail and on his own recognizance, within the meaning of Penal Code Section 12022.1.

COUNT II:

The said defendants GREGORY BROWN, WANDA FAIN AND JOSEPH DIGGS, are further accused by the District Attorney of the City and County of San Francisco, State of California, by this Information, of the crime of felony, to wit: VIOLATION OF SECTION 664/187 OF THE CALIFORNIA PENAL CODE committed as follows: The said defendant on or about the 7th day of February, 1995, at the City and County of San Francisco, State of California, did wilfully, unlawfully, and with malice aforethought attempt to murder ROBIN WILLIAMS, a human being.

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SUP	PERIOR CO T IN THE CITY AND C	OUNTY OF	SAN F ICISCO - MINUTES +	009
People of the State of Cal	ifornia vs. GREGORY L. BROWN			
SC #	Assistant DA of Record		Attorney of Record	
<u> 159271-01</u>	<u> </u>	Present	S. ARIAN	X Present
	Clerk		Judge	
	JOSIE C. ROQUE		DAVID A. GARCIA	
Reporter				
JOSEPH H. VICKSTEIN#4780, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103				

Cause on Calendar for Arraignment Special appearance by G. KOELLING, DA for the Assistant DA of Record. Defendant has retained ARIAN/S, Esq.

Count	Code	Section	Degree	MC #	Plea
1	PC	182.1/F		01563370	NG
2	PC	664.187/F		01563370	NG

Defendant waives formal reading of the information.

Defendant is duly arraigned. Not guilty plea(s) as to each count and denial of any and all allegation(s), entered.

The defendant declares his/her true name to be that stated in the accusatory pleading.

Cause is ordered continued to 04/24/95 at 09:30 a.m. in Department S22 for Trial.

Dept. <u>S22</u> Date <u>03/20/95</u> Page <u>1</u>

Attest: JOSIE C. ROQUE _____ Deputy Clerk

SUF	PERIOR COUNTY OF	SAN F ICISCO - MINUTES	010		
Description of the Control of the Control	w 1		- 010		
People of the State of Cal	ifornia vs. WANDA LOUISE FAIN		X Present		
SC #	Assistant DA of Record	Attorney of Record			
<u> 159271-02</u>	. Present	F. FUETSCH	X Present		
	Clerk	Judge			
	JOSIE C. ROQUE	DAVID A. GARCIA			
Reporter					
JOSEPH H. VICKSTEIN#4780, 850 BRYANT STREET, ROOM 306 - SAN FRANCISCO, CA 94103					

Cause on Calendar for Arraignment Special appearance by G. KOELLING, DA for the Assistant DA of Record. Court has appointed FUETSCH/F, Public Defender.

Count	Code	Section	Degree	MC #	Plea
2	PC	664.187/F	1	01559424	NG
3	PC	245(A).2/F		01559424	NG
1	PC	182.1/F		01559424	NG

Defendant waives formal reading of the information.

Defendant is duly arraigned. Not guilty plea(s) as to each count and denial of any and all allegation(s), entered.

The defendant declares his/her true name to be that stated in the accusatory pleading.

Cause is ordered continued to 04/24/95 at 09:30 a.m. in Department S22 for Trial.

Dept. <u>S22</u> Date <u>03/20/95</u> Page <u>1</u>

Attest: JOSIE C. ROQUE ______ Deputy Clerk

SU	PERIOR CO IN THE CITY AND	COUNTY OF	SAN FI	CISCO - MINUTES	011
People of the State of Ca	lifornia vs. JOSEPH DIGGS	_			X Present
SC #	Assistant DA of Record		Attorney of Flee	cord	
159271-03	F. ANDREWS	Present	MARC	SILVERSMIT	X Present
	Clerk		Judge		
	JOSIE C. ROQUE		DAVID	A. GARCIA	
Reporter					
JOSEPH H. VICKSTEIN#	4780, 850 BRYANT STREET, ROOM	306 - SAN FR	ANCISCO	CA 94103	

Cause on Calendar for Arraignment Special appearance by G. KOELLING, DA for the Assistant DA of Record. Court has appointed SILVERSMIT/MARC, conflict counsel.

Count	Code	Section	Degree	MC #	Plea
2	PC	664.187/F	1	01559442	NG
3	PC	245(A).2/F		01559442	NG
4	PC	12021A1/F		01559442	NG
1	PC	182.1/F		01559442	NG

Defendant waives formal reading of the Information.

Defendant is duly arraigned. Not guilty plea(s) as to each count and denial of any and all allegation(s), entered.

The defendant declares his/her true name to be that stated in the accusatory pleading.

Cause is ordered continued to 04/24/95 at 09:30 a.m. in Department S22 for Trial.

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Dept. S22 Date 03/20/95 Page 1

Attest: JOSIE C. ROQUE Deputy Clerk

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STEPHEN ARIAN, Attorney at Law State Bar No. 38939 Pier 33 South, #200 San Francisco, CA 94111 (415) 434-1550 San Francisco County Superior Count

MAR 2 4 1995

Attorney for Defendant GREGORY L. BROWN

SUPERIOR COURT OF THE STATE OF CALIFORNIA CITY AND COUNTY OF SAN FRANCISCO

Plaintiff,)

vs.)

GREGORY L. BROWN,)

WANDA FAIN, and JOSEPH DIGGS,)

Defendants.)

PEOPLE OF THE STATE OF CALIFORNIA,)

NOTICE OF MOTION FOR DISMISSAL OF COUNTS I AND II OF THE INFORM-ATION UNDER SECTION 995 OF THE PENAL CODE

No. 159271 - 0/

Date: April 7, 1995 Time: 9-00 A.M. Dept: 23

To the District Attorney of the City and County of San Francisco and to FLOYD ANDREWS, Deputy District Attorney:

PLEASE TAKE NOTICE that on the day of April 1995, at 9:00 A.M. or as soon thereafter as the matter may be heard in Department 23 of the above entitled court, defendant GREGORY L. BROWN, through counsel will move the court for dismissal of Count I and II of the indictment herein as it relates to said defendant GREGORY L. BROWN, and to strike the enhancement allegations as they relate to said GREGORY L. BROWN, all under Section 995 of the California State Penal Code.

This motion is made on the grounds that there is no competent evidence to show probable cause to hold defendant

3132/6

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO

PEOPLE OF THE STATE OF	CALIFORNIA VS.	ACTION NO. 15927	1
		F. Andrews	
		ASSISTANT D.A.	PRESENT
GREGORY L. BROWN	-1	S. Arian	
DEFENDANT	PRESENT	DEFENSE COUNSEL	PRESENT
WANDA LOUISE FAIN		F. Fuetsch PD	
DEFENDANT	PRESENT	DEFENSE COUNSEL	PRESENT
JOSEPH DIGGS		M. Silversmit	
DEFENDANT	PRESENT	DEFENSE COUNSEL	PRESENT

CAUSE ON CALENDAR Mo. 995 PC (all); Mo. handwriting exemplar (Diggs) Mo. discovery (Diggs); Motion for joinder in motions (Fain, Brown)

9:15 A.M.

The Court grants motion for joinder.

The Court grants the motion for discovery in part.

The Court grants the motion for handwriting exemplar.

9:30 A.M. The Court orders the matter continued to 1:30 P.M. for hearing on 995 PC motion. 2:50 P.M.

Hearing resumes. The Court grants the 995 PC motion as to defendant BROWN (Great Bodily Injury Allegation only). The 995 PC motion is denied in all other respects.

Defendants are given standing to participate in the 1538.5 PC hearing in case #159194 (Gregory Brown) Copy of proceedings had in that matter are attached and incorporated herein by reference.

DEPT. 27 DATE Apri/1/5, 1995 PAGE

ATTEST:

DEPUTY CLERK

CRM-04 (8/89)

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MARC J. ZILVERSMIT, ESO.
RIORDAN & ROSENTHAL
Attorney At Law
523 Octavia Street
San Francisco, CA 94102
Telephone: (415) 431-3472
Attorney for Defendant JOSEPH DIGGS
            SUPERIOR COURT OF THE STATE OF CALIFORNIA
                 FOR THE COUNTY OF SAN FRANCISCO
THE PEOPLE OF THE STATE OF CALIFORNIA
                                            No. 159271
                     Plaintiff,
                                            DECLARATION OF
                                            JUROR JOHN ELWOOD
                 VS.
JOSEPH DIGGS,
                     Defendant.
```

I, John Elwood, declare under penalty of perjury that:

I was a juror in the case of <u>People v. Joseph Diggs, Wanda</u>

<u>Fain, and Gregory Brown</u>, No. 159271.

During our deliberations we prepared a time line from

January 6 to February 10 and made a time line for the evening of

the incident. We were particularly concerned with the period

between 7:30 pm and 8:35 pm on the night of the shooting. To

help reconstruct what happened during that period, we consulted

bus schedules that Jurors Alvin Bernstein and Monell Beurmann

brought in on the second day of deliberations. These schedules

provided us information about the intervals between buses and the

frequency with which buses came; this information helped us fill states

in our time line from 7:30 pm until 8:35 pm on the night of the shooting

Declaration of John Elwood Page 1

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We also discussed a number of other things in our , deliberations. We discussed the inconsistencies between defendant Wanda Fain's statement and defendant Joseph Diggs' statement. We discussed how these inconsistencies demonstrated that at least one of them was lying.

There was also discussion about access to guns which was in reference to defendant Greg Brown's prior arrest.

There were also discussions about defendant Greg Brown being a drug dealer and his propensity for violence and drugs and that kind of lifestyle. This was mostly in reference to defendant Brown's state of mind. Some jurors discussed that as a drug dealer, Brown's state of mind may be twisted and power hungry.

Some jurors also discussed that as a drug dealer, Brown might feel that there would be no consequences to his actions if he killed Robin Williams. The wars was bruth up discussed of det. Franks when the remarked by ofter heart this him of defendant was specifishing could be someone also made reference to the fact that if you do crack he are cocaine, it does not mean you lose your memory.

Some jurors also discussed defendant Joseph Diggs' medical condition, specifically his tremor. Juror Jordan Owens stated that this might explain how Diggs could have shot at Robin Williams and missed.

Executed this S day of JUN, 1995 in San Francisco, California.

JOHN ELWOOD Declarant

Declaration of John Elwood Page 2

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record that Mr. Brown personally did it?

MR. ANDREWS: I don't believe that with the conspiracy count I have to prove personal great bodily injury.

THE COURT: Well, you read it. It says:

"It is further alleged in the commission of the above offense said defendant, with the intent to inflict such injury, personally inflicted great bodily injury on Robin Williams." If you look at page 6 of the Information.

MR. ANDREWS: If it's plead that way, it is incorrect.

The matter is submitted.

THE COURT: All right. Is the matter submitted?

MR. ARIAN: Submitted, your Honor.

THE COURT: All right. The Court will grant the 995 Motion as to the great bodily injury allegation as to Mr. Brown. The other counts, the 995 motion is denied.

Let's go to the motion to suppress now.

All right. We will get started with it now. All right. Call your first witness.

MR. ANDREWS: Thank you, your Honor.

I will call Officer Walsh to the stand.

I will ask that Officer Jefferson be designated as my investigating officer.

THE COURT: All right.

MR. ARIAN: Your Honor, may I ask for an order excluding all witnesses?

THE COURT: Yes. All witnesses will be ordered excluded from the courtroom. You are not to discuss the testimony

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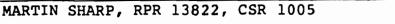
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instructions as it relates to how you are to conduct yourself. The process is as important as the product.

Does anyone have a problem or would they have a problem with following the instructions of the Court even if the result that would be reached by following the instructions of the Court were contrary to your gut reaction in a case as serious as the one that's charged here?

PROSPECTIVE JUROR: I think I would have a problem with it.

MR. FUETSCH: Do you feel as though -- well, actually could you explain what you mean by you would have a problem with that?

PROSPECTIVE JUROR: I believe there's a higher authority than legal authority that is like moral authority, and to follow like a set of rules rather than more of a moral thing, I think I would be hardpressed to follow the set of rules that are outlined by law.

MR. FUETSCH: Let me ask you a pointed question. If, for example, and I'm not saying it's going to happen, if, for example, in the middle of the night the police came to your home and forced their way in and just searched your house and in your home discovered bombs, machine guns, bottom making material, whatever they discovered is illegal. And the prosecution sought to prosecute you for the crime of possessing that material or that item. There are laws, of course, that allow you as an individual through your attorney or

individually to challenge the admissibility of such evidence, and the basis or reason for the law that allows you to challenge such evidence is the law of the constitution. That is, while we may not condone your conduct in possessing that, we nevertheless must hold the authorities to a very high standard. In the case I've described, that evidence wouldn't be admissible against you to convict you.

Do you think that's wrong?

PROSPECTIVE JUROR: No. In that particular case I don't think that's wrong, but I think if you misconstrue the constitution or broaden its actual authority, then I think that could be potentially wrong.

MR. FUETSCH: But in the illustration I've given you --

PROSPECTIVE JUROR: That's fine, I wouldn't have any problem with that.

MR. FUETSCH: One individual, and I think actually it was you again, indicated that you had been attacked some years ago by someone, correct?

PROSPECTIVE JUROR: That's correct.

MR. FUETSCH: And you suffered a concussion as a result of that?

PROSPECTIVE JUROR: A mild concussion.

MR. FUETSCH: Has anybody else here suffered a severe injury, say in, for example, an automobile accident or been attacked, anything wherein they've lost consciousness as a result of that injury.

All of us have ways of looking at things that control the way we lead our lives. We may think of that as a bias, but it's there. In this rather imperfect process we try to get at that a little bit, and I'm sure you'll all agree this is an imperfect process.

In that connection, and I don't want anyone, as Mr. Zilversmit said, to think that any of us are picking on you. We're really not, but when we hear things we feel the necessity within the time alotted to us to explore it.

Mr. Elwood, I heard you say something about broadening the authority of the constitution. Do you recall that comment?

PROSPECTIVE JUROR: I do.

MR. ARIAN: I wonder if you could say any more about that. I didn't get your complete thought.

PROSPECTIVE JUROR: My thought is a lot of, let's say, somebody's on trial, the jurors sit through the entire trial, they have a gut feeling that these defendants are, let's say, guilty, but a lot of circumstantial evidence has been brought in and it's been found -- or a legal issue has been brought up, a minor legal issue that speaks to their innocence. You're supposed to think they're innocent even though they're guilty, because it's a legal argument and it takes precedence over how you feel. You're suppose to follow that rather than now you feel, and you're supposed to say, yes, in fact, they're innocent when you feel they're

guilty.

MR. ARIAN: As I hear what you're telling me, and please correct me, you're saying that as a juror your gut reaction is very important and you're going to pay a lot of attention to that?

PROSPECTIVE JUROR: No, you pay attention to the facts, but I'm saying that the facts don't necessarily jibe with, let's say, some legal arguments that take precedence over the facts. If you've listened to all the facts and you say, yes, they are innocent or guilty, but some legal precedence makes you dismiss that, then I have a big problem with that.

MR. ARIAN: You might not be able to do that?

PROSPECTIVE JUROR: No, I would not.

MR. ARIAN: Would that hold if the judge at the close of the case instructed you that you were to consider this evidence in a certain way and the instructions of the judge went counter to the feelings you just described, would you be forced to go with your feelings or the higher moral law you found, or would you feel compelled to follow the instructions of the Court with respect to that specific issue that was presented?

PROSPECTIVE JUROR: I really don't know sitting here right now.

MR. ARIAN: Would you have trouble with it?

PROSPECTIVE JUROR: I would have major

problems.

158 1 MR. ANDREWS: Was that a trial here on the 2 third floor of the building? 3 PROSPECTIVE JUROR: Uh-huh. MR. ANDREWS: Was that by any chance in 5 front of the same judge? 6 PROSPECTIVE JUROR: No, it was not. 7 MR. ANDREWS: Was there a feeling on your 8 part that it was as a result of a lack -- something 9 lacking on the part of the police department? 10 PROSPECTIVE JUROR: 11 MR. ANDREWS: How about the District 12 Attorney? 13 PROSPECTIVE JUROR: No. 14 MR. ANDREWS: When you say there was not 15 enough evidence, was there an identification issue. 16 MR. ZILVERSMIT: I'll object. He's seeking 17 to find out how this juror voted on that. 18 MR. ANDREWS: I didn't ask that. 19 THE COURT: Sustained. 20 MR. ANDREWS: Did you -- you don't have any 21 problem with serving as a juror today on a similar kind 22 of case? 23 PROSPECTIVE JUROR: No. 24 MR. ANDREWS: Thank you, Your Honor, I have 25 nothing further. 26 THE COURT: At this point does any party 27 wish to enter a challenge for cause? 28 But before you do that, Mr. Elwood, I was

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1 little unclear about your statements. 2 Let me just read this question to you 3 again: It important that I have your assurance that you 4 will without reservation follow my instructions and 5 rulings on the law and will apply that law to the case. 6 To put it differently, whether you approve or disapprove 7 of my instructions, it is your solemn duty to accept as 8 correct my statements of the law. You may not substitute 9 your own idea of what you think the law ought to be. 10 Would you be able to follow the law as 11 given by me in this case? 12 PROSPECTIVE JUROR: I would, but I may have 13 a problem with that, internal conflict. 14 THE COURT: I understand that. Okay. 15 Any party wish to exercise a challenge for 16 cause? Please approach sidebar with the court reporter. 17 [Following bench conference not reported:] 18 MR. ZILVERSMIT: I have three challenges 19 for cause, Judge. Wiley, Elwood and Lee. 20 Taking those, Mr. Lee because he obviously 21 doesn't comprehend sufficient language to participate as 22 a juror. 23 MR. ANDREWS: Are we doing --24 THE COURT: Cause. 25 MR. ANDREWS: -- the whole 24 or just 26 people in the box?

THE COURT: All 24.

MR. ZILVERSMIT: So Mr. Lee because of

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The defense talk about, and it's all smoke and mirrors, he talks about all these other people who could want to kill her; it's the 240 pound guy, the 190 pound guy, all these people.

And yet how does this work? How do you we get those people on Jerrold Avenue to shoot her in the head? It does not happen. How else do you figure it?

Robin is wandering down the street and -finish the sentence somehow. You can't. The only thing
that works, the only thing that fits the physical
evidence, the testimony of the witnesses, the taped
statements, testimony from the experts, the only thing
that works is that she's on Jerrold Avenue because she's
following Joseph Diggs and Wanda Fain.

Wanda is not writing this because she's mad, she's writing this for Gregory Brown. They're all in the same house. Gregory has got a problem, he's got a court case coming up. But he knows how to deal with this problem. Because he's got a gullible little girl, and he can get her out to Jerrold Avenue and shoot her and leave her for dead through the other two, and that's it. That would be easier. That will be clean. If they had done the wrong right and killed her, you wouldn't be here today because we wouldn't have any clue.

And that's all I have to say. I want you to look carefully at what you've heard, what you saw. If somebody said something on that stand, just because we're

in court, we're in a formal setting, everybody says

2 "please" and "thank you," does not mean you should

3 believe anything you hear here that you wouldn't believe

outside those doors?

Use your common sense. You certainly shouldn't believe anything you've heard here unless it fits the evidence you've heard.

Based on that I'm asking you to find the defendants guilty of attempted murder of Robin Williams. Because they did it.

Conspiracy to commit murder.

Assault with a deadly weapon.

Possession of a firearm by an ex-felon.

Because they did it, for no other reason.

They did it, and that's why you're here today.

Thank you, Your Honor.

THE COURT: Thank you, Mr. Andrews.

At this point, ladies and gentlemen, it's quarter to 5. I have about ten minutes worth of instructions to read you, the concluding instructions, then I want to go over the verdict forms with you which is going to take some time.

Rather than do that today we're going to reconvene tommorow at 10. I will then finish the instructions, go over the jury forms, and we'll be finished.

I know one of you has a problem tomorrow, and hopefully you can change the appointment either later

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SAN QUENTIN STATE PRISON PSYCHOLOGICAL EVALUATION FORM

Tambledon Tresumen	Status: NC
I. Identifying Informat	Rec,d: 10/3//71
Name: Brown, Gre 60	M CDC#: J-82241
II. Basis of Referral/	Presenting Problem:
30 year old, SINGLE A	FRO-AMERICAN MALE
Referred by: BATEF SCACE	Due to: POSSERIE MATOR DEPUENTS.
INMATE HIMSELF EXPAGI)	HIES UPSET OUTH HES CASE WHERE
HE CLAEMS TO HAVE BEEN L	DRONGFULLY ACCUSED.
III. Mental Health Histo	ory:
Social: RATSED BY MOTHER	EM, EMMOYED, 2 CHELDNEN,
Psych Hosp: DENFES	
Psych Meds: DENZES	
Suicide Attempts: DENFES	
Medical Problems: BACK + 1	HNEE INJURY
Substance Abuse: DENFE]	
	·
<u> </u>	
IV. <u>Current Mental Stat</u>	us Fyamination:
for particular to a first the form	
	Behavior: APPRODAFATE
Mood/Affect: DEPAGISED	
•	ETORY ON UISUAL HALLOCENATON
•	HOMECTORY ON PANALOFD EDEATED
	Sensorium: INTACT
Memory: 600D Conce	
Information: 6000	Judgement: 6002
Insight: 600D	
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(C	ONTINUED)
Clinician's Name Date	Inmate Name (Last, First)
(Print) R. Flax, Ph.D. /1/3.	195- BROWN GRECON
(Signature)	CDC # J-8124/ Cell # 4C44
1) ///	Inmate Name (Last, First) /95 BROWN, 6RECON CDC #_J-8224/ Cell #_4C44 230

State of California, Department of Corre CONDENSED MENTAL HEALTH ASS	ctions: N/C/S Region, SA = <u>C</u> , Ir ESSMENT & TREATMENT SETTIN	stitution = MCSP Male □ Female □ G TRANSFER: Date 3/6/9%				
Variety Use Include: Admission Intake, Transfer, Parole, Discharge, MHCB Screen & Assessment. Page 1 of 5						
Current Setting: □GP □Ad Seg □SHU □RC □CCCMS □ EOP □ PSU □ MHCB □ Other:						
1.0						
I/M Ethnicity:	Non English Language:	Level: I / II / III / IV bAS / SHU				
CDC Arrival date:	CDC Release date: 2032	□MH 1(MH4, MH7 Date: 316198				
Inmate interviewed on: 316198	Level of Cooperation: Qual	DDPSNot Noted.				
I. Purpose for Condensed Mental Health	Assessment:					
A. Condensed Initial Assessment (Intal	ke) Form (May Replace or Delay M	H 1 Assessment / Data Base.)				
MH 1; ☐ MH 7; ☐ Bus Screening						
B. Transfer to New Setting	Recommended DDPS Code Change To					
	OSAP					
☐ To Out-patient ☐CCCMS						
	es□ no□; Was approval obtained? y	es no Conditional				
□PSU						
☐ To In-patient ☐MHCB ☐	Infirmary: CTC pre-screening? yes	no Details:				
	upplemental Form needed. DMH Care	Level → ☐ Intermediate ☐ Acute				
Describe referral methods:						
Describe current symptoms	/concerns that indicate a need for Inpa	tient:				
Desired Inpatient Treatmen	nt outcome:					
Desired inpatient Treatmen	it outcome.					
Was Above: □Intra or □Inter Insti	tution Other (Outside) DNo	□Yes Transfer Chrono by				
C. Pre Parole Release (Complete page 5: MH 4> CCI > C&PR > Form 611> Parole Regional HQ & POC Clinician.)						
D. Department of Correction Discharge. No CDC Follow Up. Inter State Compact to: (state)						
D. Department of Correction Dischar	ge. No CDC Follow Up. Inter State	te Compact to: (state)				
D. Department of Correction Dischar To Other Treatment Source:		te Compact to: (state)				
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To Other Treatment Source: Name: Address: Consent to Release Specific Rece II. Brief Narrative Summary: Expan That the 'Copy are goi when the copy are goi when the copy are for bresin plain clother, the One with elighands." CONDENSED MENTAL HEALTH ASSESS & TREATMENT SETTING TRANSFE & PAROLE/DISCHARGE FORM MH 4 Page: 1 of 5 [3/28/96]	Telephone: () ords, Coordinate with Health Records. ded on Insert-a-Page erraf and Self-reserva ng to kief me W Lane a Street were one wo cones occorking on Telephological to take meda. MENT LEVEL OF Last Name:	FAX:() QA Follow Up Plan Discussed Below. I. Extremely paranaid Rx of 6 yrs ago Tehing him "Even The one poles", and The				
To Other Treatment Source: Name: Address: Consent to Release Specific Reco H. Brief Narrative Summary: Expan That the 'Copy are goi when the copy of the special Plain Clother, the one in Plain Clother, the one with cliphoands." CONDENSED MENTAL HEALTH ASSESS & TREATMENT SETTING TRANSFE & PAROLE/DISCHARGE FORM MH 4 Page: 1 of 5 [3/28/96] Use Insert-a-Page of MH 1	Telephone: () ords, Coordinate with Health Records. □ ded on Insert-a-Page eval and self-referra ng to kelf me w Sane a Street ever even woo copes overking on toloph found to take medi. MENT LEVEL OF CARE Brown Inpatient	QA Follow Up Plan Discussed Below. I. Extremely paranaid Ax of 6 yrs ago tehing him "even the one poles, and the First Name: MI:				
To Other Treatment Source: Name: Address: Consent to Release Specific Rece II. Brief Narrative Summary: Expan That the 'Copy are goi when the copy of the specific Rece that the 'Copy are goi when the copy of the specific Rece that the 'Copy are goi when the copy of the specific Rece that the 'Copy are goi when the copy of the specific Rece that the 'Copy are goi when the copy of the specific Rece that the 'Copy are goi when the copy of the specific Rece that the 'Copy are goi when the copy of the specific Rece that the 'Copy are goi when the copy of the specific Rece that the 'Copy are goi when the copy of the specific Rece that the 'Copy are goi when the copy of the copy	Telephone: () ords, Coordinate with Health Records. ded on Insert-a-Page eval and self-referra ng to kelf me V Same a Street ever even wo copes overking on toloph found to take medi. MENT LEVEL OF CARE Brown	QA Follow Up Plan Discussed Below. I. Extremely paranaid Rx of 6 yrs ago Testing him "Quen The One pales, and The First Name: MI:				

Condensed Mental Health Assessment & Treatment Setting Transfer:	Page 2 of 5
III. MENTAL HEALTH & HEALTH HISTORY: See Unit Health Record (If an item is normal, check normal or none. If a deviation, elaborate.)	
A. Developmental Problem 🗆 Normal 💢 Abnormal	
B. Marital: circle: S / M / D / W	
C. Work History: None Some Erratic Extensive	
D. Mental Health History: None known Yes	
E. Issues and Problems	
1. Psychiatric Hospitalization None Yes 2. Psychotropic Medication in the last 2 years None Yes 3. Outpatient Treatment None Yes 4. MH Treatment while incarcerated/paroled None Yes 5. History of Substance Abuse None Yes 6. Release of information requested No Yes	
F. Suicidal Behavior Denies History None Found Present	
G. Violent Behavior ☐ Denies History ☐ None Found ☐ Present	
H. Discuss Significant Medical History (Head Traumas, HIV, Seizures) None Found Present I. Other or Additional Comments: DM was able to interact appropriately refused meds. Danied Star HT. But will place in access for FW.	
CONDENSED MENTAL HEALTH ASSESSMENT & TREATMENT SETTING TRANSFER & PAROLE/DISCHARGE FORM MH 4 Page: 2 of 5 [3/28/96] Use Insert-a-Page of MH 1 Confidential Client/Patlent Information See W & I Code, Section 5328 CEVEL OF CARE Last Name: First Name: CARE Use Insert-a-Page of MH 1 Confidential Client/Patlent Information See W & I Code, Section 5328 Outpatient	Mi: /

Condensed	Mental Health Assessment & Treatment Setting Transfer:	Page 3 of 5					
TV December	t Mental Status Date 316198						
	pearance DWNL						
	havior DWNL Speech DWNL						
C) Mo	ood WNL / Sleep DWNL Appetite DWNL	Affect WNL					
D) Cog	gnition:	0					
1)	Fund of Information AWNL Intellectual Functions AWNL						
	Organization of Thought WNL						
	Association of Thought WNL						
1	Peality Contact [TW/NI]						
	Thought Quality DWNL Pour						
E) Pero	ception Disturbances (Hallucinations) I None A/H Sutthat's not realistic						
F) Tho	ought Content (Delusions) I None Servere Paranoux						
G) Sen	sorium (Orientation, Memory, Attention, Concentration)						
H) Insi	ight & Judgment □WNL	· .					
I) Inte	erview Attitude XWNL						
J) Cui	rrent Suicidality None noted or stated.	-					
K) Cu	rrent Violence Risk None noted or stated.						
							
V. DSM IV	Numerical - Transferring / Discharge / Provisional (Discussion, diagnostic certainty.)						
Axis I	1/2 Major Depression & psycholic Seatures						
	Substance- Induced Delusional Disord						
	Paly substance aluse	<u> </u>					
Axis II	Delegal						
	- Augusta -						
Axis III							
Axis IV	(current) 8, incasoeration						
Axis V	GAF = 5/ (Discuss basis.)	-					
Discussion a	and Diagnostic Certainty:						
☐ Dual Dia	gnosis	_					
CONDENSE	D MENTAL HEALTH ASSESSMENT LEVEL OF Last Name: First Name:	MI:					
& TRE	ATMENT SETTING TRANSFER	·					
& P	& PAROLE/DISCHARGE FORM						
	MH 4 Page: 3 of 5 [3/28/96]						
	Use Insert-a-Page of MH 1 Inpatient						
	fidential Client/Patient Information See W & I Code, Section 5328 Outpotient CDC #J-82241 DO	ar / /					
	Outpatient Outpatient						

State of California, Department of Corrections: N	1/2/S Re	gion, Service Area =	_C_, Instit	tution = <u>MCSP</u>
MENTAL HEALTH TREATMENT PLAN: Seque				
☑Original □Update □Rejustification			CMS Annua	l Case Review
I. General Information: Arrival Date This Treatment Setting:// CCCMS □ EOP □ MHCB/Infirmary □ PSU □ week observation. Anticipated Date of Transfer to GP:/_/ Custody Level: I/II/III/IV/AdS/SHU	☐ Unit	Team □Individual C □ C File □ Health F Health Record □ MH □ Prior MH 2/_	Record I	Today Date 3 123198 Next Up Date 3 123199
II. Print Treatment Team Members	Position		Telephone	& Extension
THEND			Josephone	
S. SANOS PSU				
1				
				The second secon
III. Present Mental Status Date 3 16 198 By	Sand	Is Aesw 7	itle 🔑 S	W
A) Appearance WNL				
B) Behavior DWNL learful, fearful		Speech ZWNI	L.	-
C) Mood ZWNL / Sleep DWNL 2-2/2 his gh	Appe	tite DWNL	Affect □	WNL Lax
D) Cognition:		•	7	•
1) Fund of Information ZWNL				
2) Intellectual Functions WNL				
3) Organization of Thought ☐WNL 4) Association of Thought ☐WNL				
O. D. C. of Change				
6) Thought Quality DWNL				
E) Perception Disturbances (Hallucinations)	None A/L	("let that's	hat bearle	str!
F) Thought Content (Delusions) \(\square\) None	ire par	,	-4 / Janes	N. C.
G) Sensorium (Orientation, Memory, Attention,	Concentrati	on) WNL Jun	·/	
H) Insight & Judgment DWNL Paor				
I) Interview Attitude ☑WNL				
J) Current Suicidality None noted or stated.				
K) Current Violence Risk None noted or state	i.			
		<u></u>		
	VEL OF	Last Name:	First Name:	Mi:
	CARE	Brown,	Gros.	and 1
UPDATES, REJUSTIFICATION MH 2 [3/29/96]				~/ I
Part One: General, Team, MSE		ļ		′
	npatient			
Part Two: Problem Pages Results				
	utpatient	7000	161	826.65
Confidential Client/Patient Information		cdc # <u>V.822</u>	#/ DO	B 0 100165

		t Plan Part One:			Page 2 of 2
IV. DSM I	IV Numerical	Last MSE 8-73	Last TP	7-10-00 MH 1 Last M	IH 4 □ <u>3 63,98</u> 8-3/- 9
Axis I	297.1	2/8 Wil	minn	Dunder	
			$\overline{}$	to Type	
,					
Axis II	301.0	Param	id Pa	esmality	
A sels TTT		A			
Axis III		Back and hy	puttemos	wolks assisted with can	e
Axis IV		(current)	& HOSP;	secewid lack of medica	al services
Axis V		GAF = <u>65</u>	Describe basis.	8-31-00 clinical in	terrair
V. Problem	n / Symptom L	ist			
#1	thatony of	extreme any	iety, fearf	ulress, hypewigilance	
#2	R/o perse	entry de	Susins		
#3	,	,			
	, -	d Weakness, Goals		Treatment Goals, MH 6 Input	
ω -	angino el	oily, poor	self-respo	naibility	
		cument stal	Treatmen	nt Readiness: 🖪 Amenable 🥅 Motiva	ated Resistant
VII. Discha	rge Plan To: [GP CCCMS	EOP MHCE	BDMH clinically an	an musik
	The co			governing of	mo pouras
					,
Signature(s)	Dickel , F	15W Z	m	D. Danist	PhD
	MENTAL HE		LEVEL OF	Last Name: First Name:	MI:
	TREATMENT ATES, REJUST MH 2 [3/29	IFICATION	C3MS	Brown, Gre	gory
[36] A. J. Mark, Phys. 2000, 200	One: General, sis, Problems, In	Team, MSE mate Strengths	Inpatient	,	,
U: Confid	wo: Problem Pa se Insert-a-Page dential Client/Patie e W & I Code: Sec	of MH 1 nt Information	Outpatient	CDC # J 8224/ DOB	7-26-65

Mental Health Ti	reatment Plan Part One:		Page 2 of 2
IV. DSM IV Nu	merical Last MSE _/_/_	Last TP	/_/_ MH 1/_ Last MH 4/_/
Axis I	Major Pep	lession c	Psychotic Features
	_ % Delusion	al Disor	Psychotic Features des
Axis II		1	
	Piferre		i .
Axis III			
Axis IV	(current) S. M.	Parceralus escribe basis.	٠ ١
Axis V		escribe basis.	
V. Problem / Syn			
#2 Severe (Paranoia.		
#3			
VI. Inmate's Stre	ength and Weakness, Goals	Inmate's	Treatment Goals,
<u> </u>		Treatmen	t Readiness: Amenable Motivated Resistant
VII. Discharge Pl	an To: GP CCCMS DE	ОР ПМНСВ	□DMH
XI yr 5 S/	Sof major mental	illness ar	- Fintarveition
Signature(s)	ends, ACELL		
TREA UPDATES,	TAL HEALTH TMENT PLANS, REJUSTIFICATION H 2 [3/29/96]	LEVEL OF CARE	Last Name: First Name: MI: Bracer
Part One: Diagnosis, Pro Part Two: P	General, Team, MSE oblems, Inmate Strengths roblem Pages Results	Inpatient	
Confidential	ert-a-Page of MH 1 Client/Patient Information 1 Code, Section 5328	Outpatient	CDC # J-8 2241 DOB_1_1_

Confidential Client/Patient Information See W & 1 Code, Section 5328

State of California, Department of Correcti			
TREATMENT PLAN PART TWO: PRO	BLEM →#_	<u> </u>	Today Date: 9/18/98
□Initial Treatment Plan □Update beca	use	□Re-jt	istify, weeks
Prob. Describe Problem:		Possible Completion	Date
# 01			
Jane Danie		Next Review	Date
Target Behavior(s):			
Target Denavior(s).			
A P.			
Target Objective(s):			
Parania			
The state of the s	 		
Date Intervention (s) & Staff Assigned.	1	requency and Duration.	Results.
3/28/98 Continere 4 meds per Physician order		0 901 am	
Sprofts Commune 4 mens per		990days	
Physician order			
agn contact		2021	1
(CAT) COM RCS		490 days	
	1 4	V	
MENTAL HEALTH	LEVEL O	F Last Name: Fir	rst Name: MI:
TREATMENT PLANS,	CARE	1 ~	
UPDATES, REJUSTIFICATION		Brown	
MH 2 [3/29/96]			
Part One: General, Team, MSE Diagnosis, Problems, Inmate Strengths	Inpatient		
Part Two: Problem Pages Results			
Use Insert-a-Page of MH 1	Outpatient	リー・ナロククル	1/ 202
Confidential Client/Patient Information See W & 1 Code, Section 5328		CDC # J. 8 2 2 4	DOB//_

State of California, Department of Corrections	C/S Re	gion, Service Area	-A, Instit	tution = SAC
MENTAL HEALTH TREATMENT PLAN: Se	quential Part C	ne identifier Numb	er	Page 1 of 2
Original Update Rejustification				al Case Review
I. General Information: Arrival Date This Treatment Setting: _/ /_ CCCMS □ EOP □ MHCB/Infirmary □ PSU □ week observation. Anticipated Date of Transfer to GP: _/ /_ Custody Level: I/II/III/IV/AdS/SHU	☐ MH 6	Team ■ Individual C File □ Health Health Record □ M U Prior MH 2/	Record	Today Date 1 U OU Next Up Date / /
II. Print Treatment Team Members	Position		Telenhon	e & Extension
- March DID	1 osition	A 444	Telephon	22/
A MARIANA MA			1 93	279
Y·MARROW, MD	4/	<u> </u>	623	
III. Present Mental Status Date 2 / LO /	By 1. 9	heslad	PLD	
B) Behavior LWNL		Speech W	NL	
C) Mood WNL Sleep WNL	Appe	etite GWNL	Affect 2	IWNL
D) Cognition:	/1			
1) Fund of Information WNL				
2) Intellectual Functions WNL3) Organization of Thought WNL				
4) Association of Thought WNL				
5) Reality Contact DWNL PALANG	/9			
6) Thought Quality WNL	,,,			
E) Perception Disturbances (Hallucinations)	None			
F) Thought Content (Delusions) None	MANOID			
G) Sensorium (Orientation, Memory, Attenti				
H) Insight & Judgment DWNL	D Angua	ND DELUSI	eVS	
I) Interview Attitude II WNL				
J) Current Suicidality None noted or stated	d.		-	
K) Current Violence Risk None noted or st	ated. Poss	100		
MENTAL HEALTH	LEVEL OF	Last Name:	First Name:	MI:
TREATMENT PLANS,	CARE	BROWN	/ .	
UPDATES, REJUSTIFICATION MH 2 [3/29/96]	31	1		
Part One: General, Team, MSE				
Diagnosis, Problems, Inmate Strengths	Inpatient			
Part Two: Problem Pages - Results				
Use Insert-a-Page of MH I	Outpatient	100	111	
Confidential Client/Patient Information		CDC # 1.82	<u>7</u> / DO	OB//_
See W & I Code, Section 5328				

Mental Health Tr	reatment Plan Part One: Page 2 of 2
IV. DSM IV Nu	nerical Last MSE _/_/ Last TP _/_/ MH 1 /_/ Last MH 4 /_/
Axis I	DESUSIONAL DIO, PARANOID
Axis II	
	DEFELLED
Axis III	HIP (ASSENTIC NEALOSIS)
Axis IV	HIP (ASSEPTIC NECLOSIS) (CULTENT) (CULTENT) (CULTENT)
Axis V	GAF=Describe basis.
V. Problem / Syn	nptom List
#1 farms	7 A
#3	
VI. Inmate's Stre	ength and Weakness, Goals Inmate's Treatment Goals, MH 6 Input
	Treatment Readiness: Amenable Motivated Resistant
VII. Discharge Pl	an To: PCCCMS DEOP DMHCB DMH
Signature (s)	ablad PLD
TREA' UPDATES, MI Part One:	TAL HEALTH IMENT PLANS, REJUSTIFICATION H 2 [3/29/96] General, Team, MSE oblems, Inmate Strengths LEVEL OF CARE SLOW W Inpatient
Part Two: Pr Use Inse Confidential	coblem Pages — Results ext-a-Page of MH 1 Client/Patient Information 1 Code, Section 5328 Outpatient CDC #J-8 22 4/ DOB _/_/

	TMENT PLAN PAR				oday Date:	
	al Treatment Plan	20pdate because	1 9h.			weeks
Prob. #	Describe Problem:			Possible Completion	Date	
	PARANOID			Next Review	Date	
	Target Behavior(s):					
	PHENTIAL Target Objective(s):	VIOLENCE				·
	Target Objective(s):					
	15X					
Date	Intervention (s) & S	aff Assigned.	Frequer	cy and Duration.	Results.	-
Likery	1,10,115 5	Was asi	0 060 000			
100	WRITE S.	AMR	CARON			
	Y/U/NEE					<u>-</u>
					 	
		·			ļ <u> </u>	
	NATIONAL AND A	777	puri on Ti	Nome: Fi	rst Name:	М
	MENTAL HEAL TREATMENT PL PDATES, REJUSTIF MH 2 [3/29/96 Part One: General, Tea	ANS, ICATION] m, MSE	CARE	ast Name: Fi	rst Name:	МІ
	gnosis, Problems, Inma art Two: Problem Pages Use Insert-a-Page of	Results	Inpatient	dc #J.8 224	. 1	

State of California, Department of Corrections:	_			
MENTAL HEALTH TREATMENT PLAN: Sequ	uential Part C			141100 1000 1000 1000 1000 1000 1000 10
□Original □Update □Rejustification				l Case Review
I. General Information: Arrival Date This Treatment Setting:/_/ CCCMS □ EOP □ MHCB/Infirmary □ PSU □ week observation. Anticipated Date of Transfer to GP:/_/ Custody Level: I/II/III/IV/AdS/SHU	☐ MH 6	Team □Individual Cl □ C File □ Health Re Health Record □ MH □ Prior MH 2/_	ecord l	Today Date /_ /_ Next Up Date /_ /
II. Print Treatment Team Members	Position		Telephone	e & Extension
III. Present Mental Status Date 5/7/9 By A) Appearance WNL	OHAIS	ryentan T	itle <i>j</i> ^	nw
B) Behavior GWNL		Speech DWNL		12 - 1009
TANGE	<u> </u>	1011461	WHON	4 ROUT CONT
C) Mood DWNL Sleep DWNL $\Delta N \times 1000$ $\mu A510 FM$	Appe Ara a Ara	etite WNL	Affect 🗅	
D) Cognition:	100177	Danias B	LCOH	O('D& D. C
1) Fund of Information DWNL	•	POT.		
2) Intellectual Functions DWNL 3) Organization of Thought DWNL 4) Association of Thought DWNL 5) Reality Contact DWNL 6) Thought Quality DWNL E) Perception Disturbances (Hallucinations)	,	DANIES DE		W
E) Perception Disturbances (Hallucinations)	None 19.	N125		
F) Thought Content (Delusions) \(\subseteq \text{None} \)	11215	COP. COPS ALS	WATE	11104 112.
G) Sensorium (Orientation, Memory, Attentio	n, Concentrati	on) EWNL 50	910 1	mads.
H) Insight & Judgment □WNL	12910	SHT, POOL	V UB	CHANT
I) Interview Attitude DWNL FGARFO	L			
J) Current Suicidality Mone noted or stated	PAKE	NOIN DOG	LD 6	DAIVE SI
K) Current Violence Risk None noted or star	ted.	, (11 AP
MENTAL HEALTH TREATMENT PLANS, UPDATES, REJUSTIFICATION MH 2 [3/29/96]	LEVEL OF CARE	Last Name: BLOWN, O	First Name: LGC	phy MI:
Part One: General, Team, MSE Diagnosis, Problems, Inmate Strengths Part Two: Problem Pages Results	Inpatient Outpatient			
Confidential Client/Patient Information See W & I Code, Section 5328		CDC#J.8224	<u> </u>	B//

Mental H	lealth Treatme	nt Plan Part One:		Page 2 of 2
IV. DSM	IV Numerica	Last MSE/_	Last TP_	_/_/ MH 1/_/ Last MH 4/_/_
Axis I	297.1	Pairsion	1/2,	Pt RS4 CUTOHY
			·	/
Axis II		GUELYONE	OONS PIR	15 NG. ME FAD UP.
AXIS II	299.9.	PAF		
Axis III		-		
Axis IV		(current)		
Axis V			Describe basis.	
				9 NOT WANT MADE
	em / Symptom	List		
#1				
#2				
#3				
VI. Inma	te's Strength a	nd Weakness, Goals	Inmate's	s Treatment Goals, MH 6 Input
			Treatmer	nt Readiness: Amenable Motivated Resistant
VII. Disch	narge Plan To:	□GP □CCCMS □	EOP MHCE	В □ОМН
_				
Signature	() In	lumes		Nogel
	MENTAL H	EALTH	LEVEL OF	Last Name: First Name: MI:
UPI	TREATMEN DATES, REJUS	r Plans, Stification	CARE	
Pa	MH 2 [3/ art One: Genera			
Diagn	osis, Problems,	Inmate Strengths Pages Results	Inpatient	
Cor	Use Insert-a-Pa ofidential Client/Pa See W & I Code.	ge of MH 1 tient information	Outpatient	CDC # DOB _ / _ / _

State o	f California, Department of Correction	ons: N/C/	S Reg	on, Service Area	=, Instituti	ion,
TREA	TMENT PLAN PART TWO: PROI	BLEM →#		pg	Today Da	ite://
□Initi	al Treatment Plan	use			□Re-justify,	weeks
Prob.	Describe Problem:			Possible Comp	oletion Date	
·-	7/207 /10 6011			Next Review	Date	
	Target Behavior(s):					
	Target Objective(s):	mgs c	-			
Date	Intervention (s) & Staff Assigned.		Freq	uency and Duratio	on. Resul	ts.
	1×90 MARAITT	4710N				
	1290 112	<u>'</u>	<u>.</u>			
	RAT. MAKKITT					
_						
	MENTAL HEALTH TREATMENT PLANS, PDATES, REJUSTIFICATION	LEVEL CARE		Last Name:	First Name:	MI:
Dia Pi	MH 2 [3/29/96] Part One: General, Team, MSE gnosis, Problems, Inmate Strengths Int Two: Problem Pages Results Use Insert-a-Page of MH 1 Confidential Client/Patient Information See W & 1 Code, Section 5328	Inpatier Outpatie		CDC #	DO I	B//

State of California, Department of Corrections: N	C/S Region, Service Area =	B, Instit	ution = HDSP
MENTAL HEALTH TREATMENT PLAN: Sequer			Page 1 of 2
Original Update Rejustification	□ cc	CMS Annua	l Case Review
L General Information: 6 Hb37 Arrival Date This Treatment Setting: 8 13 100 CCCMS © EOP © MHCB/Infirmary PSU - © week observation. Anticipated Date of Transfer to GP: 9 16 10	By:	Record	Today Date 9 16 100 Next Up Date 16 10
Custody Level: I/II/III/IV/AdS/SHU			
II. Print Treatment Team Members	Position	Telephone	& Extension
T. NOLAN	SR. PSYCHOLOGIST	(530)25	1-5100 X674
C. LETT	STAFF PSYCHIATRIST		"
S. MICHELS	PSYCH. SOC. WORKER	11	11
III. Present Mental Status Date 2 /31 /60 By	5. Michels T	itle <u>P</u> 5	ω
A) Appearance DWNL		_	
B) Behavior TWNL	Speech EWNL	•	
C) Mood DWNL Sleep DWNL	Appetite WNL	Affect □	VNL
D) Cognition: 1) Fund of Information WNL 2) Intellectual Functions WNL 3) Organization of Thought WNL 4) Association of Thought WNL 5) Reality Contact WNL 6) Thought Quality WNL			
E) Perception Disturbances (Hallucinations)	one .	/	then
F) Thought Content (Delusions) (F) None (Authority)	by of hyperryland	5 7 800	
G) Sensorium (Orientation, Memory, Attention, C	oncentration) DWNL U	-	
H) Insight & Judgment DWNL			
I) Interview Attitude DWNL			
J) Current Suicidality Mone noted or stated.			
K) Current Violence Risk None noted or stated.			

MENTAL HEALTH	LEVEL OF	Last Name:	First Name:	MI:
TREATMENT PLANS,	CARE	\sim	Constant	
UPDATES, REJUSTIFICATION MH 2: [3/29/96]	C3 mS	15m	own, Gregory	
Part One: General, Team, MSE	Tunationt		•	
Diagnosis, Problems, Inmate Strengths Part Two: Problem Pages — Results	Inpatient			ا ــور
Use Insert-a-Page of MH 1	Outpatient	CDC # J -	82241 8-26-6	ر حک
Confidential Client/Patient Information See W & I Code, Section 5328		CDC #	DOB _/_/_	

State of California, Department of Corrections: NJC/S Region, SA = Institution = 1101 PMale Female
CONDENSED MENTAL HEALTH ASSESSMENT & TREATMENT SETTING TRANSFER: Date 22/01
Variety Use Include: Admission Intake, Transfer, Parole, Discharge, MHCB Screen & Assessment. Page 1 of 5
Current Setting: □GP □Ad Seg □SHU □RC □CCMS □ EOP □ PSU □ MHCB □ Other:
I/M Ethnicity: Black Non English Language: -c- Level: I / II / III (IV / AS / SHU
CDC Arrival date: 7-21-00 to HIBP CDC Release date: 129-2043 DMH 1 MH 4 MH 7 Date: 3 123 9
Inmate interviewed on: 8 1/00 Level of Cooperation: adequate DDPS
I. Purpose for Condensed Mental Health Assessment:
A. Decondensed Initial Assessment (Intake) Form (May Replace or Delay MH 1 Assessment / Data Base.)
MH 1; MH 7; Bus Screening; Page 2 (Psychiatric History) as □ Update or □ Initial history
B. Transfer to New Setting Recommended DDPS Code Change To:
□ Return to Custody □GP □OSAP □POC & Complete Page 5.
☐ To Out-patient ☐ CCCMS
□EOP: Was tele-fax used? yes no ; Was approval obtained? yes no Conditional
☐ To In-patient ☐ MHCB ☐ Infirmary: CTC pre-screening? yes☐ no☐ Details:
□ DMH □ Criminal History Supplemental Form needed. DMH Care Level → □ Intermediate □ Acute
Describe referral methods:
Describe current symptoms/concerns that indicate a need for Inpatient:
Desired Impatient Treatment automos
Desired Inpatient Treatment outcome:
Was About There on Tinter Institution Total (Outside) The Tive Transfer Change by
Was Above: Intra or Inter Institution Other (Outside) No Yes Transfer Chrono by C. Pre Parole Release (Complete page 5: MH 4> CCI > C&PR > Form 611> Parole Regional HQ & POC Clinician.)
C. Pre Parole Release (Complete page 5: MH 4> CCI > C&PR > Form 611> Parole Regional HQ & POC Clinician.)
D. Department of Correction Discharge. No CDC Follow Up. Inter State Compact to: (state)
□ To Other Treatment Source:
\cdot
Name: FAX: () FAX: ()
Address:
☐ Consent to Release Specific Records, Coordinate with Health Records. ☐ QA Follow Up Plan Discussed Below.
II. Brief Narrative Summary: Expanded on Insert-a-Page
35 yold Black mole, arrived HOSP 8-21-00 from CSP-SAC. Count MHPC in
C-file dated 7-18-00 C3NS, GAF 75, no medo: Previous MHY done 3-23-98 at MCSP.
Premais MH28 done 3-23-98 al 5-07-99 & MCSP, and 7-10-00 et CSP-SAC.
Diagnosio sence 1995 have been adjustment Desorder with Oppressed Mood, R/O Major
Ospession with Psychotic Features, Polyant abuse, Substance direct Psychotic Desorder,
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Page: 1 of 5 [3/28/96]
2 m of 16
Use Insert-a-Page of MH 1 Inpatient T-9204/ 8-26-65
Use Insert-a-Page of MH 1 Confidential Client/Patient Information See W & I Code, Section 5328 Inpatient Outpatient Outpatient Outpatient

	Page 2 of 5
Transfer:	
Condensed Mental Health Assessment & Treatment Setting Transfer: III. MENTAL HEALTH & HEALTH HISTORY: See Unit Health Record Graph is normal, check normal or none. If a deviation, elaborate.)	
WENTAL HEALTH & HEALTH HISTORY: See Onto	alim
III. MENTAL HEALTH & HEALTH HISTORY: Delaborate.) (If an item is normal, check normal or none. If a deviation, elaborate.)	
A. Developmental Problem Normal Abnormal and 11 some cutting. A. Developmental Problem Normal Abnormal and 11 some cutting.	<i>V</i>
A. Developmental Problem	within
A. Developmental Problem Normal Abnormal	mest.
B. Marital. Classic Dextensive Class de	scrice_
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D. Mental Health History: None known Tyes	
D. Mental Health History: None known E. Issues and Problems 1. Psychiatric Hospitalization None Yes Avent want - Concern 2. Psychotropic Medication in the last 2 years None Yes None Yes 3. Outpatient Treatment None Yes One	med theyel
E. Issues and Problems Oanes dent want - concer	-
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A MH Treatment while incarcerated/paroled LINOITE A MAN Treatment while incarcerated a Man Treatm	geo ,
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CONDENSED MENTAL HEALTH ASSESSMENT LEVEL OF Last Name: First Name:	
& TREATMENT SETTING TRANSFER CARE	MI:
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MH4 (3/M-)	/
Page: 2 of 5 [3/28/96] Use Insert-a-Page of MH 1	
Confidential Client/Patient Information Inpatient	8-21-1=
See War J Code, Section 5328 CDC # 000	06-65
Oytpatient Oytpatient DOB	/ /

Condensed Mental Health Assessme	nt & Treatment Setting Tra	nsfer:	Page 3 of 5
	X 1811 (CO)		1 age 5 01 5
A) Appearance ZWNL			
B) Behavior WNL		Speech GWNL	
C) Mood DWNL	Sleep WNL	Appetite DWNL	Affect WNL
D) Cognition:			full some
1) Fund of Information	NL .		
2) Intellectual Functions	,		
3) Organization of Thought	∐ WNL		
4) Association of Thought	WNL		
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E) Perception Disturbances (Hal	lucinations) A None	. ((,	"to mean
F) Thought Content (Delusions)	Prone soup	e believes most al	Ms are informats
G) Sensorium (Orientation, Men	nory, Attention, Concentratio		· ·
H) Insight & Judgment GWNL			
I) Interview Attitude GWNL			
J) Current Suicidality ⊟None no	ted or stated.		
K) Current Violence Risk □None	noted or stated.		

V. DSM IV	Numerical	- Transferring / Discharge / Provisional (Discussion, diagnostic certainty.)
Axis I	300,0	anxiety D/O NOS (Provisional)
:	297./	RIO Deusional Disorder, Persecutory Type
		,
Axis II	301,0	RID Paranoid Personality Orande
		V
Axis III	Box	h and hip problems 20 to injury; walks assisted with come
Axis IV		anofer to HOSP; perceived lock of medical services
Axis V		(Discuss basis.) clinical interview
Discussion as	nd Diagnostic C	ertainty: needs further desgriptic clarification
☐ Dual Diag	nosis No	

CONDENSED MENTAL HEALTH ASSESSMENT	LEVEL OF	Last Name:	First Name:	MI:
& TREATMENT SETTING TRANSFER	CARE			
& PAROLE/DISCHARGE FORM MH 4 Page: 3 of 5 [3/28/96]	CZMS	Brow	in, Gregory	
Use Insert-a-Page of MH 1 Confidential Client/Patient Information	Inpatient	T-0	52241 8-2	6.65
See W & 1 Code, Section 5328	Outpatient	CDC #	300B_/_	

State of California, Department of Corrections — Institution: HDS. Prior Page Number: CHRONOLOGICAL INTERDISCIPLINARY PROGRESS NOTES: All Staff, Clinicians, Treatment Teams.
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MENTAL HEALTH LEVEL OF Last Name: First Name: MI:
INTERDISCIPLINARY PROGRESS NOTES CARE
MH3 [3/21/96]
Confidential Client/Patient Information Inpatient See West Code, Section 5328
Outpatient CDC # DOB _/_/_

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State of California, D	epartment of Correct	tions - High Deser	t State Prison	Pr	rior Page Number:
CHRONOLOGICAL		ARY PROGRESS	NOTES:	All Staff, Clinici	ians, Treatment Teams
Date/Time: //-20 - 0	2 6730				-
Reason for Contact: P	OST SUICIDE WAT	CH/PRECAUTIO	N FOLLOWUP		
Day 2	□3 □4 □5				
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General Appearance	□Disheveled	Groomed	Poor Hygiene		WNL
Sleep:		WNL	Appetite:		
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Body Behavior:	□Withdrawn □Stiff	☐ Overactive☐ Tremor	Restless	·	WNL
Speech:	☐ Clear	Excessive	☐ Incoherent	☐ Mute	☐ Rapid
	☐ Slow	☐ Stammer	☐ Slurred/Mumbled	☐ Understandable	WNL
Mood:	Anxious	☐ Cheerful	Congruent	☐ Depressed	WNL
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Presenting Attitude:	☐ Argumentative	Cooperative	☐ Demanding	☐ Evasive	☐ Guarded
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ignature: ///// MENTAL HEAL	TEVEL	OF CARE L	ast Name:	First Name:	
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MH 3 (7/26/99		patient	V-6	123	
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Information See W&I Code, Section		tpatient C	DC#J8224	<u>'</u>	DOB/_ /

State of California, Department of Corrections - High Desert State Prison CHRONOLOGICAL INTERDISCIPLINARY PROGRESS NOTES:				Prior Page Number: All Staff, Clinicians, Treatment Teams		
Reason for Contact: P		TCH/PRECAUTIO	ON FOLLOWUP			
	1028 □4 □5					
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Body Behavior:	□Withdrawn □Stiff	☐ Overactive ☐ Tremor	Restless		₹ WNL	
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State of California, Department of Corrections - High Desert State Prison			Prior Page Number: All Staff, Clinicians, Treatment Teams		
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Reason for Contact: P		TCH/PRECAUTI	ON FOLLOWUP		
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General Appearance	□Disheveled	Groomed	☐ Poor Hygiene		-4
	to de infort	WNL	Appetite:		SWNL
Facial Expression:	☐ Angry U ☐ Flat	☐ Blunted ☐ Happy	☐ Withdrawn	parned	O WNL
Body Behavior:	□Withdrawn □Stiff	☐ Overactive ☐ Tremor	Restless		Ø WNL
Speech:	☐ Clear	☐ Excessive	☐ Incoherent	☐ Mute	☐ Rapid
•	Slow	☐ Stammer	Slurred/Mumb		E WNL
Mood:	☐ Anxious ☐ Euphoric	☐ Cheerful ☐ Silly	Congruent Unconcerned	☐ Depressed ☐ Dysphoric	Ø WNL
Presenting Attitude:	☐ Argumentative	Cooperative		☐ Evasive	☐ Guarded
3	☐ Helpless	☐ Hostile	☐ Intimidating	☐ Manipulative	WNL
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Post SW/P FL MH 3 (7/26/99) Ir	patient	V		
Confidential Client/ Information		itpatient	CDC# F 2	241	DOB _ / _ /

State of California, D	epartment of Correc	ctions - High Deser	t State Prison	Pri	or Page Number:
CHRONOLOGIÇAL	INTERDISCIPLIN	ARY PROGRESS	NOTES:	All Staff. Clinicia	ns, Treatment Teams
Date/Time: 11/2	1/32 043	<u></u>	_	15 5, 6	
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General Appearance	□Disheveled	Groomed	☐ Poor Hygiene		
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Facial Expression:	☐ Angry	☐ Blunted ☐ Happy	☐ Frightened ☐ Withdrawn	-	WNL
Body Behavior:	□Withdrawn □Stiff	Overactive Tremor	Restless		S WNL
Speech:	☐ Clear	Excessive	Incoherent	Mute	Rapid
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Current Suicidality		one noted or stated.			
Current Violence Risk		one noted or stated.			
Psychotropic Medication		<u> </u>	1 No		
Custody Rounds: Co	ontinue Hourly	Every 2 Hours 🗆	Every 4 Hours		
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Signature:			100	\sim	
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MH 3 (7/26/99 Confidential Client/	######################################	patient			
Information	Ou	tpatient	DC#58224	(D	ОВ / /

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Mental H	Iealth Treatment	Plan Part One:		•	Page 2 of 2	
IV. DSM	IV Numerical	Last MSE	TOB Last TP	2003MH 1□_/_/	Last MH 4 (2230)	
Axis I	3160	ي کي	pressi	« b/0120	<u> </u>	
Axis II			$\overline{}$	1		
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				C		
Axis III	;	1/-4	MA	11:1	1	
	variety (Col X; 14 1 Sportalina) NI					
Axis IV		(current)	Carrela	aliai		
Axis V		GAF = 6.5	Describe basis.			
V. Proble	em / Symptom Li	st				
ш4						
#1	15.01	ressear				
#2	7 050	<u>asaci-c</u>				
#3						
VI Inmat	te's Strength and	l Weakness, Goals	Inmate's	Freatment Goals, MH 6	Input	
V 1, 1111110)			
-7	100	wort	- 1.2822-0	auskan	<i></i>	
	Max 2	, reary	Treatmen	t Readiness: Amenable	Motivated Resistant	
VII Disah	orgo Plan Tot I	GP CCCMS [EOP MHCE	B DMH		
· II. Disci	arge Plan To: 🛚	ZOI LICCCIMS [
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	rigii De	ort State F11301				
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	MH 2 [3/29)/96]	10775°	LACOUN ?	(Veryony)	
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	osis, Problems, Ir Two: Problem Pa		Inpatient	,		
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MD

Case 3:08-cv-03501-MMC Filed 07/22/2008 Page 127 of 160

DATE TIME

PSYCHIATRIC PROGRESS NOTE

1/21/03

Inmate: BROWN, GREGORY J82241

S: Mr. Brown was seen as a CTC follow up. He had been in CTC for a suicide attempt. Mr. Brown states that he was feeling like hurting himself. He no longer feels that way. He is in considerable pain; walks with a walker, has necrosing hips bilaterally and is awaiting hip replacements. Patient also states he is under stress from some legal cases. Patient describes feeling confused, sleepy, and having headaches, which I expect are attributed to his Paxil. I discussed with him the effects of reducing Paxil and patient stated that he would like to be off the medication. I explained to him that he needs all his wits about him to deal with his legal case and when I explained to him the symptoms and so on, the patient said yes, that was exactly what he felt and he would like to be off the medication. Patient was told that if he is having any difficulties to put him in a request and I would see him. Patient is not depressed, not suicidal, and has no major mental disorder.

O: A: P: \mathbf{E} :

S. SALENGER, MD

SS:cj

State of California, Department of Correction			titution =
MENTAL HEALTH TREATMENT PLAN: Se			Page 1 of 2
Original Update Rejustificatio			nual Case Review
I. General Information: Arrival Date This Treatment Setting: /_/ □ CCCMS □ EOP □ MHCB/Infirmary □ PSU - □ week observation. Anticipated Date of Transfer to GP: / /	☐ MH 6 ☐ C File	Individual Clinician Health Record OH 1 MH 1 MH 2/2/62	Today Date 9/8/03 Next Up Date 3
Custody Level: I/II/III/IV/AdS/SHU			·
II. Print Treatment Team Members	Position	Telephor	ne & Extension
R. Dahl, Ph.D. Psychologist	F46	(0)	(90
High Desert State Prison			
·			
III. Present Mental Status Date 921038	R. Dahl, Ph.D	Title	40
A) Appearance DWNL	Psychologist High Desert S	State Dricon	
B) Behavior EWNL		eech DWNL S	2
C) Mood DWNL Sleep WNL	Appetite EWNI	<u> </u>	
D) Cognition: 1) Fund of Information INWNL 2) Intellectual Functions INWNL 3) Organization of Thought INVNL 4) Association of Thought INVNL 5) Reality Contact INVNL 6) Thought Quality INVNL E) Perception Disturbances (Hallucinations) INVNL	⊒None		
F) Thought Content (Delusions) None			
G) Sensorium (Orientation, Memory, Attention	n, Concentration) EWNL		
H) Insight & Judgment DWNL			
I) Interview Attitude WNL			
J) Current Suicidality Prone noted or stated.		•	
K) Current Violence Risk Divone noted or state	ed.		
ignature(s) /R. Dahl, Ph.D.	1/45.		
Psychologist High Desert State Prison			
TREATMENT PLANS, UPDATES, REJUSTIFICATION MH 2 [3/29/96]	CARE Last Name:	First Name:	Deg ORG
	Inpatient		
Part Two: Problem Pages Results Use Insert-a-Page of MH 1 Confidential Client/Patient Information	Outpatient CDC #\(\frac{1}{2}\)	82241 pc	8-26-

See W & I Code, Section 5328

Mental Health Treatment Plan Part One:	Page 2 of 2						
IV. DSM IV Numerical Last MSE _/_/_ Last TP _/_/ MH 1/_	_/_ Last MH 4 [_/_/						
Axis I 3110 Deprecessive Storos							
Avis II	A -						
301.83 BOKE PRINCE PORT.	0/0-						
Axis III Hip LAN A CONENT 501	eggs munio						
Axis IV (current) WCARCEATEN	7 (1000)						
Axis V GAF = Describe basis.							
V. Problem / Symptom List							
#1 SPRESSION							
#2							
#3							
VI. Inmate's Strength and Weakness, Goals Inmate's Treatment Goals, MF	ł 6 Input						
- Borderline Lx							
Treatment Readiness: Amenabl	e Motivated Resistant						
VII. Discharge Plan To: GP CCCMS EOP MHCB DMH							
Signature(s) R. Dahl, Ph.D.							
Psychologist							
High Desert State Prison							
MENTAL HEALTH TREATMENT PLANS, UPDATES, REJUSTIFICATION MH 2 [3/29/96] Part One: General, Team, MSE	st Name: MI:						
Diagnosis, Problems, Inmate Strengths Part Two: Problem Pages Results							

Outpatient

Use Insert-a-Page of MH 1
Confidential Client/Patient Information
See W & I Code, Section 5328

CDC#7-82241 DOB 7665

State of California, Departs	ment of Corrections:	Ne/s Re	gion, Service Area	= Å, Insti	tution#DS
MENTAL HEALTH TREAT					Page 1 of 2
Original Dodate	Rejustification			CCCMS Ann	ual Case Review
I. General Information: Arrival Date This Treatment S CCCMS EOP MHCI PSU weel Anticipated Date of Transfer to Custody Level: I/II/III/IV	B/Infirmary k observation. GP: / /	☐ MH €	eam ☐Individual ☐ C File ☐ Health Health Record ☐ N ☐ ☐ Prior MH 2 7	n Record IH 1	Today Date Next Up Date
II. Print Treatment Team Me		Position		Tolombon	e & Extension
11. Time Troublement Team 14.	inders	Tosition	77/	1 elephone	Extension -
L CRAW	ord Ri	\$	MX MX	8	795
III. Present Mental Status	Date ///7/03By	5	all la	Title	7
A) Appearance WNL	hobbles-	trail	le setti	na/ce	alken
B) Behavior DWN	mana ine	;	Speech DW	NI (
C) Mood DWNL	SLEED WNL	Appe	tite DWNL	Affect 🗆	WNL
D) Cognition:				1900	enex_
1) Fund of Informatio	n DWNL				
2) Intellectual Function					
3) Organization of Th					
4) Association of Tho					
5) Reality Contact					İ
, -					
6) Thought Quality 🗔					
E) Perception Disturbance	es (Hallucinations), 🗗	None	100		
F) Thought Content (Del	usions) 🗆 None	sau	ord was	Lide	se Ketter
G) Sensorium (Orientation	on, Memory, Attention,	, Concentration	on) DWNL	rael	0
H) Insight & Judgment	1000C		^	_	
I) Interview Attitude	O. Oroca	mor co			
J) Current Suicidality S K) Current Violence Risk		4	~ .		
<u> </u>		d.			
It. Dulli, 2		9/	4		
Psychologi High Deser	t State Prison				
MENTAL HEAL	TH LE	EVEL OF	Last Name:	First Name:	A MI:
TREATMENT PL. UPDATES, REJUSTIF MH 2 [3/29/96	ANS, ICATION	CARE	BROW	work	Reguly
Part One: General, Tea Diagnosis, Problems, Inma Part Two: Problem Pages	te Strengths I	Inpatient			
Use Insert-a-Page of Confidential Client/Patient I	MH 1 [O	utpatient	CDC # 1.82	24(D	of <u>7665</u>

State of California, Depar	tment of Corrections: N	C/S Region, Service	Area = 🔏 , Insti	tution = HDJ
MENTAL HEALTH TREA	_	ntial Part One Identifier		Page 1 of 2
☐Original ☐Update	Rejustification			ual Case Review
I. General Information: Arrival Date This Treatment S □ CCCMS □ EOP □ MHC □ PSU □ wee Anticipated Date of Transfer to Custody Level: I/II/III/IV	B/Infirmary k observation. o GP: / /	By: Deam	Health Record	Today Date Next Up Date
II. Print Treatment Team M	embers	Position	Telephone	& Extension
TODAN	100 PAR	Phos	10	790
TOPIC	Valo AXX	PA		78%
Sto	COVA	CCI	. /8	3/2
III. Present Mental Status	Date 22 HBy	TA SAGI	Title	20
A) Appearance LYWNL	uses whee	Mair .		
B) Behavior DWNL	ismissix	Speech	DWNL	
C) Mood DWNI	Sleep WNL	Appetite DWNL	Affect 🗹 🗸	VNL
D) Cognition: 1) Fund of Information 2) Intellectual Function 3) Organization of The 4) Association of The 5) Reality Contact 6) Thought Quality	ns GWNL lought GWNL light WNL WNL		, ,	
E) Perception Disturbance F) Thought Content (Delu				
G) Sensorium (Orientatio		incentration) HWNI.		
H) Insight & Judgment 🖸	2 5		· ·	
I) Interview Attitude DW	-/000	issial		
J) Current Suicidality				
K) Current Violence Risk	None noted or stated.		· ·	
R. Dahl, Ph. Psychologist	D. To a State Prison	A TE C	Al Ju	7
High Deserved MENTAL HEALT TREATMENT PLA UPDATES, REJUSTIFIC MH 2 [3/29/96] Part One: General, Team Diagnosis, Problems, Inmate Part Two: Problem Pages	TH LEVE LNS, CATION n, MSE e Strengths LEVE Inpat	RE Said	First Name	290RG
Use Insert-a-Page of N Confidential Client/Patient Int See W & I Code, Section	/IH 1 Outpa	tient / CDC I	7241 DOB	876.65

Mental Health Treatment Plan Part One:	Page 2 of 2
IV. DSM IV Numerical Last MSE ZOM Last TP (BOSMH 1 Last I	
10 311 Systessive 56 105	
VIIO MARIE DX	
Axis II 30/8 7 Rosderly Forsandlike	1
Axis III Uses what have Ba	/ hyp
Axis IV (current) Twareer at wh	
$Axis V \qquad GAF = 70 Describe basis.$	
V. Problem / Symptom List	
#1 Destessive thoughto	
#2	
#3	
VI. Inmate's Strength and Weakness, Goals Inmate's Treatment Goals, MH 6 Input	
+ Perbal	
- Treament Readiness: Amenable Motiva	ted Resistant
VII. Discharge Plan To. DEP CCCMS EON MHCB DMH	
Relura to LIF (Ye Sx)	<u></u>
Madsfrelaso/2/	9/04
Signature(s) R. Dahl, Ph.D.	
Psychologist High Desert State Prison	
MENTAL HEALTH LEVEL OF Last Name: First Name: 4	MI

MENTAL HEALTH TREATMENT PLANS, UPDATES, REJUSTIFICATION

MH 2 [3/29/96] Part One: General, Team, MSE

Diagnosis, Problems, Inmate Strengths Part Two: Problem Pages -- Results Use Insert-a-Page of MH 1 Confidential Client/Patient Information

See W & I Code, Section 5328

Inpatient

Outpatient

State o	of California, Department of Corrections	/ S Region, Service Area =	Institution, A
	TMENT PLAN PART TWO: PROBLEM 🗲		Today Date: 214104
□Initi	al Treatment Plan 🔲 Update because	□Re-ju	stify, weeks
Prob.	Describe Problem:	Possible Completion	Date
1	Von Aughan	Nont Review	Date
	Target Behavior(s):	ISAR SX	
	Y/Rds	Grel.	
	Target Objective(s):	1 /	
	D/C 5X/	2/9/04	2/9/04
		/ / /	/ /_ '
Date	Intervention (s) & Staff Assigned.	Frequency and Duration.	Results.
2/9/	04 Keturnlo	2/9/04	
1	246-14R	. / / /	
	Med Spel.		
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	10 Sollard-y		
Signatur			
orginatur(1 Cold Pho	<u> </u>	<u>·</u> _

R. Dahl, Ph.D. **Psychologist** High Desert State Prison

MENTAL HEALTH TREATMENT PLANS, UPDATES, REJUSTIFICATION MH 2 [3/29/96]

Part One: General, Team, MSE Diagnosis, Problems, Inmate Strengths Part Two: Problem Pages -- Results Use Insert-a-Page of MH 1 Confidential Client/Patient Information See W & I Code, Section 5328

LEVEL OF CARE Inpatient

Outpatient

Last Name: First Name;

DATE TIME

PSYCHIATRIC PROGRESS NOTE

1/13/04 0840

Inmate: BROWN, GREGORY J82241

- S: Mr. Brown is complaining of anxiety and difficulty sleeping. He has put in a 602 because he does not feel that he is getting sufficient mental health needs. However, patient has been told that we would be happy to give him some therapy, have him see the psychologist, and all he has to do is request that, to help him deal with his stress. On the other hand he has no Axis I Diagnosis, does not need sleeping medication or antidepressant medication at this time.
- O: MS does not indicate any severe depression.

A:

P: Patient is on a clock to return to GP.

_____, MD

S. SALENGER, MD

SS:cj

263

State of California, Department of Corrections: (N) C/S Region, Service Area = B, Institution = HDSP MENTAL HEALTH TREATMENT PLAN; Sequential Part Que Identifier Number Page 1 of 2 Original **✓**Update Rejustification CCCMS Annual Case Review IF Team? Individual Clinician I. General Information: 04 AUG 26 Today Date Arrival Date This Treatment Setting: 6 /19/03 □MH 6 □ C File □ Health Record 8125104 ✓ CCCMS □ EOP □ MHCB/Infirmary 🔀 Unit Health Record 🛘 MH 1 Next Up Date □ PSU -- □ ☐ MH 4 ☐ Prior MH 2 / / 8 125 104 week observation. Anticipated Date of Transfer to GP: Custody Level: I / II / III / IV /(AdS) SHU II. Print Treatment Team Members Position Telephone & Extension PhD E. Jenesky 6779 III. Present Mental Status Date 8/25/04 By E Jenesky Title PhO A) Appearance DWNL B) Behavior DWNL Speech DWNL C) Mood DWNL Sleep DWNL Appetite DWNL Affect DWNL D) Cognition: Fund of Information □WNL 3) Organization of Thought DWNL 4) Association of Thought WNL 5) Reality Contact DWNL 6) Thought Quality WNL E) Perception Disturbances (Hallucinations) □ None F) Thought Content (Delusions) I None G) Sensorium (Orientation, Memory, Attention, Concentration) DWNL H) Insight & Judgment □WNL Interview Attitude □WNL J) Current Suicidality

None noted or stated. K) Current Violence Risk

None noted or stated. Signature(s) MENTAL HEALTH LEVEL OF Last Name: First Name: MI:

Refused

TREATMENT PLANS,
UPDATES, REJUSTIFICATION
MH 2 [3/29/96]
Part One: General, Team, MSE
Diagnosis, Problems, Inmate Strengths
Part Two: Problem Pages -- Results
Use Insert-a-Page of MH 1
Confidential Client/Patient Information
See W & | Code, Section 5328

1		t Plan Part One:			Page 2 of 2
IV. DSM	(V Numerical	Last MSE/_	RECEIVED _/_ Last TP DU GUC 26 F	ндѕР _/_/_ мин 1 □/_ Р П 1 58	_/_ Last MH 4 🔲 _/_/_
Axis I	311		0/0 NO		
	311	Beg	0/0 NO		
				•	•
Axis II	799.9				
Axis III		none			
Axis IV			Describe basis.		
Axis V		GAF = 65	Describe basis.) —	
V. Probler	n / Symptom Li	ist			
#1	0.1	TOT			
#2	Mun	1 IOTT			
#2	-				
#3					
VI. Inmate	e's Strength and	l Weakness, Goals	Inmate's	Treatment Goals, M	H 6 Input
			Trantmar	at Pandinage Amanal	ole Motivated Resistant
			Treatmen	it Readilless:	ole [] Motivated [] Resistant
VII. Discha	rge Plan To:	GP CCCMS	EOP MHC	В DMH	
Signature(s		7.	-		
	ϵ	my			
	MENTAL HE	ALTH	LEVEL OF	Last Name:	First Name: MI:
	TREATMENT		CARE		
UPDA	ATES, REJUST MH 2 [3/29		C3	0	Connection
Part	One: General,	-	L'	Brown	Gugery
Diagno	sis, Problems, Ir	mate Strengths	Inpatient		
	wo: Problem Pa		Outration		
	se Insert-a-Page dential Client/Patio		Outpatient	CDC#J-822	41 DOB 8,26,65
	ee W & I Code, Se				

OH SEP 9 AM 9 31

State of California, Department of Corrections: (N	YC/S Region, Service Area =	$= B$, $\frac{1}{2}$ institution $= HDSI$
MENTAL HEALTH TREATMENT PLAN: Sequen	tial Part One Identifier Numbe	r Page 1 of 2
Original Update Rejustification		CCMS Annual Case Review
I. General Information: Arrival Date This Treatment Setting: 6/19/03 □ CCCMS □ EOP □ MHCB/Infirmary □ PSU □ week observation. Anticipated Date of Transfer to GP: / Custody Level: I/II/II/(IV/AdS) SHU	By: Team	Record 9/8/04 I 1 Next Up Date
II. Print Treatment Team Members	Position	Telephone & Extension
Ed Jenesky	Ph.D.	6790
7 NOLAN	- tus	<u> ۲۶۵</u>
BAINES	PT .	6744
		,
III. Present Mental Status Date 9 /8 /0+ By A) Appearance WNL	Dr. Jenesky T	itle_PhD
	·	
B) Behavior WNL	Speech WNL	,
C) Mood DWNL Sleep WNL	Appetite WNL	Affect DWNL
D) Cognition: 1) Fund of Information	ne	
F) Thought Content (Delusions) None		
G) Sensorium (Orientation, Memory, Attention, Co	ncentration) WNL	
H) Insight & Judgment WNL	•	
I) Interview Attitude WNL		
J) Current Suicidality None noted or stated.		-
K) Current Violence Risk None noted or stated.		
Signature(s) E Jung un T	NOLANTUS C	3 aines PT

MENTAL HEALTH	LEVEL OF	Last Name: First Name:	Mi:
TREATMENT PLANS,	CARE		
UPDATES, REJUSTIFICATION			
MH 2 [3/29/96]	,	Brown, Gregory	
Part One: General, Team, MSE		prount,	
Diagnosis, Problems, Inmate Strengths	Inpatient		1/25
Part Two: Problem Pages Results		'	Jus.
Use Insert-a-Page of MH 1	Outpatient	T 022 1/1 02	٠ سره ر
Confidential Client/Patient Information		CDC# J- 82241 DOB 8/2	<u>6/6/2</u>
See W & I Code, Section 5328			

Mental H	ealth Treatmen	t Plan Part One:			Page 2 of 2
IV. DSM	IV Numerical	Last MSE/_	_/_ Last TP	_/_/_ MH 1/_/	Last MH 4 [/_/
Axis I	296.3	Major	Dyrun	m D/o neu	ung
	-			· ·	
Axis II					
Axis III		Hia	orable m s		· · · · · · · · · · · · · · · · · · ·
Axis IV		(current)	problems		
Axis V		GAF =60	Describe basis.		<u> </u>
V. Problem	n / Symptom Li	st		•	
#1					· .
#2	Depressi	ve Thony	hts.	the mobility	
	Hip/H.	erll pr	oblines w	the mobility	
#3	, ,				
VI. Inmate	's Strength and	Weakness, Goals	Inmate's	Treatment Goals, MH	6 Input
	:	1. 1.	<u></u>		
/	us w	_ ve _ pon	Treatmen	t Readiness: Amenable	Motivated Resistant
VII. Dischar	rge Plan To:	GP XCCCMS	EOP MHC	B DMH	ensted lack
		To The	\	7.27.0	4
	04 19	(Remar	on). ss	<u> </u>	.
Signature(s)	Eu	Lus T.N	JOLANPH	D Rawer	T
			• •		•
T	MENTAL HE REATMENT	PLANS,	LEVEL OF CARE	Last Name: Firs	t Name: MI:
	MH 2 [3/29 One: General,	/96]		Brown,	Gregory
Diagnos	sis, Problems, In wo: Problem Pa	mate Strengths	Inpatient	,	266
Us Confid	se Insert-a-Page lential Client/Patie e W & I Code, Se	of MH 1 ent Information	Outpatient	coc# <u>J.8224</u>	<u>I</u> ров <u>8,26.65</u>

IKLA	TMENT PLAN PART TWO: PRO	BLEM →	#	pg	Today Date:	9,1810
□Initi	al Treatment Plan Update beca	ause		□Re	-justify,	weeks
Prob.	Describe Problem:	Mood	D/0	Possible Completion		
		, , , , , ,		Next Review	Date	
	Target Behavior(s):					
	Target Objective(s):					
ate	Intervention (s) & Staff Assigned.		Freque	ncy and Duration.	Results.	
_						
	(a. 111a +		. 141	160		
	Cose Majurt					
	Preclust		PR	N		
			<u> </u>			
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nature	Baine		-1/1	An E.	Ju	

ſ	MENTAL HEALTH	LEVEL OF	Last Name: First Name: MI:
- 1	TREATMENT PLANS,	CARE	
-1	UPDATES, REJUSTIFICATION		[P . C.
- 1	MH 2 [3/29/96]		Brown, Gregory
- 1	Part One: General, Team, MSE		. 0 5
- 1	Diagnosis, Problems, Inmate Strengths	Inpatient	1
٠	Part Two: Problem Pages Results		267
- 1	Use Insert-a-Page of MH 1	Outpatient	CDC # J- 82241 DOB 8 126 65
-	Confidential Client/Patient Information		CDC# <u>J. 82241</u> DOB <u>8 /26/65</u>
L	See W & I Code, Section 5328		

State of California, Department of Correction				ution =
MENTAL HEALTH TREATMENT PLAN:	Sequential Part Or	ne Identisier Numbe		Page 1 of 2
Original Update Rejustification	n	cc	CMS Annua	l Case Review
I. General Information: Arrival Date This Treatment Setting:/_/ □ CCCMS □ EOP □ MHCB/Infirmary □ PSU □ week observation. Anticipated Date of Transfer to GP:/_/	□ MH 6	eam □Individual C □ C File □ Health F Iealth Record □ MH □ Prior MH 2 _ /	Record 1	Today Date /0///O Next Up Date /0///OS
Custody Level: 1/11/111/1V/AdS/SHU				
II. Print Treatment Team Members	Position		Telephone	& Extension
	Psychiatri	st		800 x7982
Les De PhD	Psycholog	ist		
S. Honce Psych Tee	Nursing		,	•
S. Horie I sych tel	Custody			
III. Present Mental Status Date 10	4 By Solice	Kown In)	Title Par	Or along X
A) Appearance DWNL 6 / 5-11	ul wood	har Jon He	mill	Pen
B) Behavior DVN	ag vona	Speech DWN		
C) Mood DWNL Sleep DWNL	Appet Appet	ite □WNL	Affect □	WNL O
D) Cognition:				
1) Fund of Information DWNL				
2) Intellectual Functions WNL				
3) Organization of Thought ☑WNL				
4) Association of Thought WNL				
5) Reality Contact DWNL				
6) Thought Quality WNL	<u> </u>			
E) Perception Disturbances (Hallucination	is) \square None	enie		
F) Thought Content (Delusions) None	Deni	~~~		
G) Sensorium (Orientation, Memory, Atte	ention, Concentration	n) William	u	<i>A</i> -
H) Insight & Judgment □WNL	upanes			
I) Interview Attitude DWNL	elile,	dong	luie	
J) Current Suicidality □None noted or sta	ited. Chris	nie ed	stem.	,
K) Current Violence Risk None noted or	r stated. BP	= 5/fu	Teen	 ,
				1
MENTAL HEALTH	LEVEL OF	Last Name:	First Name:	MI:
TREATMENT PLANS,	CARE	Braun	grea	m
UPDATES, REJUSTIFICATION		00000	$(I \cup I)$	
MH 2 [3/29/96]			•	O
Part One: General, Team, MSE				11
Diagnosis, Problems, Inmate Strengths	Inpatient			268
Part Two: Problem Pages Results				9
Use Insert-a-Page of MH 1	Outpatient	1000	(11	Aver-
Confidential Client/Patient Information See W & I Code, Section 5328		CDC # J.822	L DO	B O 19163

Mental Health Treatment Plan Part One	Page 2 of 2
IV PONEW V	_
	//Last TP/_/ MH 1/_/ Last MH 4/_/_
Axis I 6/0296.30 N	capi Depressive D/O, Decurrent
304.80 Poly	Fut Abrus (mg Sleadel)
Axis II 30/17 ASPI	
Axis III	
Ass III	ensine dip Problems, welker
Axis IV (current)	Curine, Hip Problems, wither
Axis V GAF = 65	Describe basis.
V. Problem / Symptom List	
#1	
#2 Depression	
#3	
VI. Inmate's Strength and Weakness, Go	als Inmate's Treatment Goals, MH 6 Input
+= "cont do This"	I M Verbal, Bugat
	Treatment Readiness: Amenable Motivated Resistant
VII. Discharge Plan To: CCCMS	S DEOP DMHCB DMH
attu (y	CX + melding
30000	70 , 70 = 0
Signature(s) Sylvin LO	ion And
MENTAL HEALTH	LEVEL OF Last Name: First Name: MI:
MENTAL HEALTH TREATMENT PLANS,	LEVEL OF Last Name: First Name: MI:
UPDATES, REJUSTIFICATION	Brown gregory
MH 2 [3/29/96]	
Part One: General, Team, MSE	Inpatient 269
Diagnosis, Problems, Inmate Strengths Part Two: Problem Pages Results	The state of the s
Use Insert-a-Page of MH I	Outpatient Tora 2 1/1 8 20/15
Confidential Client/Patient Information See W & I Code, Section 5328	Outpatient CDC# J8224/ DOBO 2065

State of California, Department of Corrections: N			ution = CC
MENTAL HEALTH TREATMENT PLAN: Sequen	tial Part One Identifier Number	r	Page 1 of 2
□Original □Update □Rejustification		CMS Annua	Case Review
I. General Information: Arrival Date This Treatment Setting:/_/ CCCMS □ EOP □ MHCB/Infirmary □ PSU □ week observation. Anticipated Date of Transfer to GP:/_/	By: ☐ Team	Record 1	Today Date 3/10/05 Next Up Date 6/0705
Custody Level: I/II/III/IV/AdS/SHU			
II. Print Treatment Team Members	Position	Telephone	& Extension
Gelkow ITZ LCIW	Cox Mayer		
Gel van	LPT		
Ramirez	(0		
III. Present Mental Status Date 3/18/05 By	Salkowitz T	itle LCJ	W
A) Appearance DWNL			
B) Benavior LAWNL	Speech (GWN)		
C) Mood DWNL Sleep DWNL	Appetite DANL	Affect 🔼	ANL
D) Cognition: 1) Fund of Information			
E) Perception Disturbances (Hallucinations)	эпе		
F) Thought Content (Delusions) None	,		
G) Sensorium (Orientation, Memory, Attention, C	Concentration) HWNL		
H) Insight & Judgment WNL			
I) Interview Attitude GWNL			
J) Current Suicidality (None noted or stated.			
K) Current Violence Risk Arone noted or stated.			

MENTAL HEALTH	LEVEL OF	Last Name:	First Name:	MI:
TREATMENT PLANS,	CARE	1		
UPDATES, REJUSTIFICATION				
MH 2 [3/29/96]	Can	1 K 000 M		
Part One: General, Team, MSE	, ,			x 70
Diagnosis, Problems, Imnate Strengths	inpatient	Ì		21
Part Two: Problem Pages Results			· ^ · / ·	
Use Insert-a-Page of MH 1	Outpatient	1 (18.2	1241 8	10665
Confidential Client/Patient Information		CDC # <u>~ 0</u> ~	DOB J	1246
See W & I Code, Section 5328				

Mental H	ealth Treatment Plan Part One:			Page 2 of 2
IV. DSM	IV Numerical Last MSE/_	_/_ Last TP_	/_/_ MH 1/_/_ Last	м́н 4 □ _/_/_
Axis I	296,26 Meyer	Depren	in in Ren	rusion
	U			
Axis II	799,40 Dohn			
	011110			
Axis III	1000	0 0 /2	T T	
Axis IV	(current)	Repuke	<u> </u>	
Axis V	GAF = 72	<u> </u>		
	m / Symptom List			
#1 De	prenun - in	·remu	SIM	
#2				
#3				
VI. Inmat	e's Strength and Weakness, Goals	Inmate's	Treatment Goals, MH 6 Inpu	<u> </u>
	_			
Ind	elzer, ashe	ulate_		
	0 /	Treatmen	t Readiness: Amenable Mo	tivated Resistant
VII. Disch	arge Plan To: GP CCCMS	JEOP □MHCB	□DMH	
Whe	14 Ange of the	35,	for me year	
vive	in dree drivy	JULIJI OUVILJ	to me year	
Signature((s)	VD (AL KOMUZ LOGAL	
	"Userla Jecan	y,P, 3	SALKOWITZ, LCSW	
	MENTAL HEALTH	LEVEL OF CARE	Last Name: First Nam	e: MI:
UPD	TREATMENT PLANS, DATES, REJUSTIFICATION			
	MH 2 [3/29/96]	Cay	Brown	
1	rt One: General Team, MSE osis, Problems, Inmate Strengths	Inpatient		27/
, -	Two: Problem Pages Results			
1	Use Insert-a-Page of MH 1	Outpatient	5/60241	8 26 65
	fidential Client/Patient Information See W & I Code, Section 5328		CDC # U Z Z CT	241 008 8,26,65

State of California, Department of Corrections: N		
MENTAL HEALTH TREATMENT PLAN: Sequent	tial Part One Identifier Number	Page 1 of 2
ØOriginal □Update □Rejustification	□ cc	CMS Annual Case Review
I. General Information: Arrival Date This Treatment Setting: 4/6/85 DCCCMS DEOP MHCB/Infirmary DPSU week observation. Anticipated Date of Transfer to GP: / / Custody Level: I / II / III IV AdS / SHU	By: ☐ Team ☐ Individual C☐ MH 6 ☐ C File ☐ Health F☐ Unit Health Record ☐ MH☐ MH 4 ☐ Prior MH 2 _ /	Record Next Up Date
II. Print Treatment Team Members	Position	Telephone & Extension
Emile Reed Ply	[T.T.Leader]	
	[Case Manager]	
		CIVID REED, Ph.D.
III. Present Mental Status Date 7/6/05 By	0/17/ ply 1	Clipical Psychologist
A) Appearance ZIWNL		
B) Behavior LEWNL	Speech □WN	
C) Mood DWNL Sleep WNL.	Appetite LWNL	Affect WNL
D) Cognition: 1) Fund of Information LWNL 2) Intellectual Functions LWNL 3) Organization of Thought LWNL 4) Association of Thought LWNL 5) Reality Contact LWNL 6) Thought Quality LWNL		
E) Perception Disturbances (Hallucinations)	one	
F) Thought Content (Delusions) None		
G) Sensorium (Orientation, Memory, Attention, C	Concentration) MWNL	
H) Insight & Judgment DWNL		
I) Interview Attitude DWNL		
J) Current Suicidality None noted or stated.		
K) Current Violence Risk Allone noted or stated.		

MENTAL HEALTH TREATMENT PLANS, UPDATES, REJUSTIFICATION	LEVEL OF CARE	Last Name: Brown	First Name: CROG	MI:
MH 2 [3/29/96] Part One: General, Team, MSE				272
Diagnosis, Problems, Inmate Strengths Part Two: Problem Pages Results	Inpatient			<i>71</i> °
Use Insert-a-Page of MH 1 Confidential Client/Patient Information See W & I Code, Section 5328	Outpatient	CDC# J. 8 22	4 / DOB_	_//

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Mental He	alth Treatment	Plan Part One:				Page 2 of 2
IV. DSM I	V Numerical	Last MSE//	Last TP	/_/_ MH 1/_	/_ Last MH 4	/_/_
Axis I	396 g	Depression	- reo Bepo	lai desords		
		Rosentercer	my for a	laidesords	la Tlemes	,
				<u> </u>		
Axis II	301.7	ASPI				
		Mayor of the	pedicoro	blens (arease	largecu	in)
Axis III		Rlo closed to	und traum	a seguela	<u> </u>	
Axis IV		(current)	lim plu	e Seguela	upsomme	Surafu
Axis V		GAF = 50 D	escribe basis.			
V. Probles	n / Symptom L	ist				
#1 Qn	ser la	e e /depre	series	time		
#2	V	ice Styre				
#3						
VI. Inmat	e's Strength an	d Weakness, Goals	Inmate's	Treatment Goals, I M	/IH.6 Input	
	7			9		
tem	men out	Lusts + den	Treatment	t Readiness: Amena	ible Motivate	d Resistant
	VII. Discharge Plan To: □GP ☑CCCMS □EOP □MHCB □DMH					
			IID REED, Ph.D,			
Signature(s) P11		ical Psychologist #			
	MENTAL H	8389386888888838456547 () 227 797 (227 247 6	LEVEL OF CARE	Last Name: BROWN,	First Name:	MI:
UPD	ATES, REJUS	TIFICATION		13.20	<u> </u>	
Par	MH 2 [3/2 rt One: General					
Diagn	osis, Problems,	Inmate Strengths	Inpatient			273
	Two: Problem F Use Insert-a-Pag fldentlal Client/Pat	ge of MH 1	Outpatient	CDC # 1.8 22	4 (DOR 8	161:650
	see W & I Code, S					

State of California, Department of Correct	tions: N/C/S Region, SA =	. Institution = Male Female
CONDENSED MENTAL HEALTH ASSE	SSMENT & TREATMENT SET	TTING TRANSFER: Date 7 15 10
Variety Use Include: Admission Intake, Tran	nsfer, Parole, Discharge, MHCB Sc	reen & Assessment. Page 1 of 5
Current Setting: GP GAd Seg GSHU	□RC ☐CCCMS □ EOP □ PSU	☐ MHCB ☐ Other:
1/34 (5.1		
I/M Ethnicity: AK	Non English Language:	Level: 1/11/111/1V/AS/SHU
Inmate interviewed on: 7/5/05	CDC Release date: Life	□MH 1, MH 4, MH 7 Date: _/_/
inmate interviewed on: 1/3/2:	Level of Cooperation: Holivitte	DDPS Not Noted.
I. Puppose for Condensed Mental Health		
A. Condensed Initial Assessment (Intak		y MH 1 Assessment / Data Base.)
MH 1; MH 7; Bus Screening;		
	Recommended DDPS Code Chang OSAP	
☐ To Out-patient ☐CCCMS	SA DI OC & Complete Page	
	s no; Was approval obtaine	d? ves no Conditional
□PSU		at you do conditional
	Infirmary: CTC pre-screening?	ves□ no□ Details:
		Care Level → □ Intermediate □ Acute
Describe referral methods:		
Describe current symptoms/	concerns that indicate a need for	Inpatient:
Desired Inpatient Treatmen	t outcome:	
Was Above: ☐Intra or ☐Inter Instit	tution DOthor (Outside)	CNo Civer Transfer Channel ha
		611> Parole Regional HQ & POC Clinician.)
D. Department of Correction Dischar	ge No CDC Follow IIn I Inte	er State Compact to: (state)
☐ To Other Treatment Source:	gar the ede renow ep inte	(State)
	Telephone: ()	FAY: ()
Name:	relephone. ()	
Address:		
☐ Consent to Release Specific Rec	ords, Coordinate with Health Recor	rds. 🗆 QA Follow Up Plan Discussed Below
II. Brief Narrative Summary: Expan	ded on Insert-a-Page	·
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grander necrous .	1	
1		
·		
CONDENSED MENTAL HEALTH ASSESS	SMENT LEVEL OF Last Na	ame: First Name: MI:
CONDENSED MENTAL HEALTH ASSESS & TREATMENT SETTING TRANSFI		ame: First Name: MI: RUWN, GREC
& PAROLE/DISCHARGE FORM		,
MH 4		n 24
Page: 1 of 5 [3/28/96] Expand With MH Insert-a-Page		$\mathcal{L}^{\prime\prime}$
Confidential Client/Patient Information	Inpatient	1
See W & I Code, Section 5328	Outpatient CDC #	4.82 V41 DOB @ 12/16

Condensed Mental Health Assessment & Treatmen	nt Setting Transf	er:		Page 2 of 5
III. MENTAL HEALTH & HEALTH HISTORY:				- 180 101
(If an item is normal, check normal or none. If a devia	ation, elaborate.)			
A. Developmental Problem 12 No 🔲 Yes	He. Incc	·		
B. Marital: circle S/M/D/W 5	3 1 N		<u> </u>	
C. Work History: None Some Errat	ic Extensive	when		
D. Mental Health History: None known		9		, =
E. Issues and Problems				amen [
E. Issues and Problems 1. Psychiatric Hospitalization None 2. Psychotropic Medication in the last 2 y 3. Outpatient Treatment None Yes 4. MH Treatment while incarcerated/parol 5. History of Substance Abuse None 6. Release of information requested No	JYes	Hes Zode for Ves Zov	es to her	
		No. 20 20 20 20 20 20 20 20 20 20 20 20 20	nu.	
	one Found	resent	Aggle agil	
CX35- tried 6 ling self- fr	marched, "	00	. 0	
G. Violent Behavior Denies Histor DN	one Found	resent		
voluntary mandaglites	allende	x mounde	*	
H. Discuss Significant Medical History (Head	Traumas, HIV,	Seizures) A None	Found Prese	nt [
Sender TBI Server Black		1		
has nightnessed day - state	ed in au	tonouce	signs	
			0	
·				
I. Other or Additional Comments:				
problems with without fre	Sur lu	los centron	my carque	<u>~</u>
arfund to tale topping to	t - hun t	um a clu	a En poit	
IM 2 m dillings	- Jul		- 0-	
- The state of the				
V				
	-			
				,
CONDENSED MENTAL HEALTH ASSESSMENT	LEVEL OF	Last Name:	First Name:	MI:
& TREATMENT SETTING TRANSFER	CARE	Brown	GREG	
& PAROLE/DISCHARGE FORM MH 4			V	
Page: 2 of 5 [3/28/96]				.41
Expand With MH Insert-a-Page	Inpatient			217
Confidential Client/Patient Information	See and	CDC # 1. 8 4	241 DOB_	, ,
See W & I Code, Section 5328	Outpatient	4.4.		-''-

	Mental Health Assessment &		Transfer:	Page 3 of 5
	t Mental Status Date 7/5	105		
B) Beh	navior DWNL		Speech DWNL	
C) Mo	ood WNL	Sleep WNL	Appetite DWNL	Affect WNL
1) 2) 3) 4) 5) 6) E) Per	gnition: Fund of Information LWNL Intellectual Functions LWNL Organization of Thought LWNI Association of Thought LWNI Reality Contact LWNL Thought Quality LWNL ception Disturbances (Hallucin	nations) None	refusing of m	eds
G) Ser	nsorium (Orientation, Memory,	Attention, Concen	tration) ZIWNL	
H) Ins	ight & Judgment DWNL	n worsten	egny.	
I) Int	erview Attitude LIWNL	d	0	
	urrent Suicidality Mone noted	or stated.	· · · · · · · · · · · · · · · · · · ·	
K) Cı	urrent Violence Risk Mone not	ted or stated.		
V. DSM IV	Numerical - Transferring	Discharge / Provis	ional (Discussion, diagnostic c	ertainty.)
Axis II	304.8 Polipul 304.8 Polipul Hx red	stime des	endenne Before	olor
Axis III	gones	la necessa	in minto be la	l
Axis IV		ration, a	proschon's euro	en
Axis V	GAF = So (Discuss	basis.)	00	0
Discussion	and Diagnostic Certainty:			
☐ Dual Di	agnosis			
& TR	SED MENTAL HEALTH ASSESS EATMENT SETTING TRANSF PAROLE/DISCHARGE FORM	ER CA	RE Brown	First Name: MI:
	MH 4 Page: 3 of 5 [3/28/96] Expand With MH Insert-a-Page onfidential Client/Patient Information See W & 1 Code, Section 5328	Inpat	coc # J. 8 24	276 41 DOB 8,24,65

VI. Present Treatment Summary (Se	ee Treatment Plan detail MH	2. / /)	Page 4 of 5
a. Medication Chronology: None			
Allergies:	DIAO 21de Ettect2 laored Dial	edication Concern issue	Keyhea Discuss belo
Name of Medication	Target Symptom	Dose	Side Effect
Elevil	lo-pan	Soh	
- Jan	The state of the s		
c. Laboratory Results:			
d. Special Consultations:			
e. Treatment Setting Change, if any:		IID ACCD, Ph.D.	
Clinician Name:	Clini Gla	दिवृश्हिं देवा do log l⊈	Date: <u>7 1 < 10</u>
Clinician Signature:	Telephon	net ()	. Ext
VII. NEW SETTING ASSESSMEN			And Consideration
The second secon	在《中文》(是 第)。(1) (1) (1) (1) (2) (2) (2) (2) (2) (2) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4	CANADA COMPANIA AMERICAN CONTRACTOR	
Date Receiving Above Assessment_	/ Time;;	Received by:	
Identify Setting:			
Receiving Assessment:	1		
Trectiving 1 macon ment.			
		,	
			
Receiving Plan:			
1		Signature:	
Receiving Clinician's Name		B-: m : m : m :	
Receiving Clinician's Name:	Nome & Darleton		
Receiving Clinician's Name: Clinician Contact Regarding Disch	narge: Name & Position		
Clinician Contact Regarding Disch			
Clinician Contact Regarding Disch	SSESSMENT LEVEL OF	1	
Clinician Contact Regarding Disch CONDENSED MENTAL HEALTH AS & TREATMENT SETTING TRA	SSESSMENT LEVEL OF ANSFER CARE		Name: MI:
Clinician Contact Regarding Disch	SSESSMENT LEVEL OF ANSFER CARE	Brown 6	res.
Clinician Contact Regarding Disch CONDENSED MENTAL HEALTH AS & TREATMENT SETTING TRA & PAROLE/DISCHARGE FO MH 4 Page: 4 of 5 [3/28/96]	SSESSMENT LEVEL OF ANSFER CARE ORM	Brown 6	res.
Clinician Contact Regarding Disch CONDENSED MENTAL HEALTH AS & TREATMENT SETTING TRA & PAROLE/DISCHARGE FO MH 4	SSESSMENT LEVEL OF ANSFER CARE ORM	Brown 6	

Outpatient

VIII. PAROLE DATA	: Condensed Ment	al Healt	h Assessmen	t & Parole	Transfer		Page 5 of 5
Date Completed:/_	_/ MH> CCI> (C&PR>	Form 611>Pa	arole HQ>P	OC DDPS	Noted Yes No	
Allergies:							
Anticipated Date of Disch	arge:						
Other:				· <u> </u>		·	•
/	· · · · · · · · · · · · · · · · · · ·						
Medication Provided at	Discharge DN	lone	☐ See page	3			
Name of Medication			Tablets		Medication	Dose size	# of Tabl
							
Housing Plans:	Reside with:				Relati	onship:	
	Teeside Widi:				Ttorati	——————————————————————————————————————	
Address:							
Telephone: ()	Ţr	whose	name is to	elephone l	isted?		
Other housing issues	:						
······································							
Suggested Aftercare	Approach Plan	i:					
·						· · · · · · · · · · · · · · · · · · ·	
Completed By CDC Cli	nician:			Clinician T	itle:	Date:	/
Clinician Signature:			_ Telephor	ne: ()		_ Ext	
CCI Name:	Telepi	hone: () -	Ex	tC	&PR Confirmed b	y:
		<u> </u>					
CONDENSED MENTAL	HEALTH ASSESSI	MENT	LEVEL C	F Last N	ame:	First Name:	MI:
	ETTING TRANSFEI	₹	CARE				
1	SCHARGE FORM IH. 4						. 1
Page: 5 of	5 [3/28/96]						278
	AH Insert-a-Page		Inpatient	1			•
	de, Section 5328		Outpatier	CDC	/·	DOB	/_/_

Mental H	lealth Treatme	ent Plan Part One:				Page 2 of 2
			_			· .
IV. DSM	IV Numerica	Last MSE <u>5</u> /	15 101 □ Last TP	_/_/_ MH	i	Last MH 4 1 7/5/05
Axis I	211					
	311	Depression	e zisades	405.		
		,			•	
Axis II		ero				
	799-9	No Dia	grovis Ja	grovis	Deferred	on Still II.
	}		•		1	
Axis III	1	Chronic	Han Pain			
Axis IV		(current) Incarce	Hip Pain			
VYI2 I A		(current) incarce	Tation			
Axis V		GAF = 60	Describe basis.			
V. Proble	m / Symptom	List				
#1					<u> </u>	
\circ						
#C	pressio-					
#2	/					
#3						
VI. Inmate	e's Strength a	nd Weakness, Goals	Inmate's	Treatment Goa	ls, 🔲 MH 6 li	nput
5-7	O Communic.	akion skills				
	,		Treatmen	t Readiness: 🗵	Amenable 🛇	Motivated Resistant
M . °	Lack of	Menhi ~				
VII. Discha	arge Plan To:	ØGP □CCCMS	□ЕОР □МНСІ	3 DMH		
to so	1 1		. /			,
10 re	turn to	GP whom i	w full rom	ission of	sympton	ns and
medica	1	ue to 6	montes per	· o. /	0	,
		ul jox 6	monius per	Cont.		
Signature(s	°' /	THESA Pho		11		Sun 1
		1 sec	- Jangur	ho	4	
	-	CAOLUGSI mp/m	N. Slari	VM)	ngon	J. Brown
	MENTALH	ÉÀLTH !	LEVELOF	Last Name:	First Na	íme: MI:
	TREATMENT	•	ČARE	l		
UPD	•	TIFICATION		1		
n	MH 2 [3/2	•	cccms	Braus	V, GREGO	124
	l One: General	, Team, MSE Inmate Strengths	Inpatient		-, which	
•	•	Pages Results	mpatient			
	Ise Insert-a-Pag	-	Outpatient	T	82241	1.
Confi	dential Client/Pat	tient Information		CDC # 4	02271	DOB 8,26,65
S	ee W & I Code, S	section 5328	1			

State of California, Department of Corrections: N/C/S Region, SA =, Institution = Male Female						
CONDENSED MENTAL HEALTH ASS Variety Use Include: Admission Intake, Tr		30000000000000000000000000000000000000				
Current Setting: GP GAd Seg GSHU						
Current Setting: LIGH LIAU Seg LISHO	LIKE LICECIA'S LI EOP LI PSU LI	WHCB Utner:				
I/M Ethnicity:	Non English Language:	Level: I / II / III / IV / AS / SHU				
CDC Arrival date:	CDC Release date: 55- Life					
Inmate interviewed on: 9/270	Level of Cooperation:	DDP\$ DDP\$ DDP\$ Dot Noted.				
minate interviewed on: -1-7-7-7	Ecter of cooperation 2000	DDI 8 450[5] Not Noted.				
I. Purpose for Condensed Mental Health						
A. Condensed Initial Assessment (Intal		IH 1 Assessment / Data Base.)				
MH 1; MH 7; Bus Screening						
	Recommended DDPS Code Change To	o:				
	OSAP					
☐ To Out-patient ☐CCCMS						
	es no; Was approval obtained?	yes no Conditional				
DPSU						
	Infirmary: CTC pre-screening? yes[- Control of the Cont				
	upplemental Form needed. DMH Car	e Level → □ Intermediate □ Acute				
Describe referral methods:						
Describe current symptoms	concerns that indicate a need for Inp	atient:				
	 					
Desired Inpatient Treatmen	t outcome:					
***		FIV. Tours Colon 1				
Was Above: Intra or Inter Insti	_					
C. Pre Parole Release (Complete pa	ge 5: MH 4> CC1 > C&PR > Form 6113	Parole Regional HQ & POC Clinician.)				
D. Department of Correction Dischar	ge. No CDC Follow Up. Inter Sta	ate Compact to: (state)				
☐ To Other Treatment Source:	ge. No ede Ponow op Inter St	state Compact to(state)				
	~	747 ()				
Name:	Telephone: ()	FAX: ()				
Address:						
☐ Consent to Release Specific Reco	ords. Coordinate with Health Records. D	QA Follow Up Plan Discussed Below.				
II. Brief Narrative Summary: Expan	nded on Insert-a-Page					
Drivy Means 2 May	neurcesten Cons	durout to Commit				
mus to live to	a a Carona tothe	The Conservation				
The same of the sa	the 1 8 h.	The state of the s				
w/mo, towill all a	New Orleans.	the three				
involuntory mense	sugten for Sella	eferal.				
The said of me	al disalles	'				
Divita V B M	7					
Sty Jun- OP						
CONDENSED MENTAL HEALTH ASSESS	MENT LEVEL OF Last Name:	First Name: MI:				
& TREATMENT SETTING TRANSFE	50.55550 0.000 500.	- On Chapter				
& PAROLE/DISCHARGE FORM		ron gago g				
MH 4 77-14	44	280				
Page: 1 of 5 [3/28/96]	<u>.</u> . I	200				
Expand With MH Insert-a-Page Confidential Client/Patient Information	Inpatient	00-111 0-261				
See W & I Code, Section 5328	Outpatient CDC #	8224 DOB 812965				
	Outpatient	•				

Condensed Mental Health Assessment & Treatment Setting Transfer:	Page 2 of 5
II. MENTAL HEALTH & HEALTH HISTORY: See Unit Health Record (If an item is normal, check normal or none. If a deviation, elaborate.)	
	noblemes -
A. Developmental Problem No Yes Hs grad us dev p B. Marital: circle (S) M / D / W 2 children 21, and (2)	Caughter -
C. Work History: None Some Erratic Extensive	
D. Mental Health History: ☐ None known ☐Yes	
E. Issues and Problems 1. Psychiatric Hospitalization None Yes 2. Psychotropic Medication in the last 2 years None None Yes	king Peneran Deplessin
3. Outpatient Treatment □None □Yes 4. MH Treatment while incarcerated/paroled □None □Yes 5. History of Substance Abuse □None □Yes 6. Release of information requested □ No Yes	natei-onglie
F. Suicidal Behavior ☐Denies History ☐None Found ☐Present	
G. Violent Behavior Denies History None Found Present	<u></u>
H. Discuss Significant Medical History (Head Traumas, HIV, Seizures) None Foun	nd Present
Other or Additional Comments:	
Throng SI from 1990	4 mood
& TREATMENT SETTING TRANSFER CARE STUM 9 & PAROLE/DISCHARGE FORM MH 4	st Name: MI:
Page: 2 of 5 [3/28/96] Expand With MH Insert-a-Page Confidential Client/Patient Information See W & I Code, Section 5328 Outpatient CDC # 1- 8-2-4-1	_ DOB 8 24 COS

Condensed Mental Health Assessment & Treatment Setting Transfer:	age 3 of 5
IV. Present Mental Status Date 91010	
A) Appearance (WNL 65" Disabled by hipproblem	
B) Behavior TWNL Speech TWNL	-
C) Mood WNL Affect Appetite WNL Affect Affect	- OWNL
D) Cognition:	4-0-0
1) Fund of Information UWNL	
2) Intellectual Functions (IWNL)	
3) Organization of Thought WNL	
4) Association of Thought \(\sqrt{WNL} \)	
5) Reality Contact WNL	
6) Thought Quality WNL	
E) Perception Disturbances (Hallucinations) None	
F) Thought Content (Delusions) None	
G) Sensorium (Orientation, Memory, Attention, Concentration) WNL	
H) Insight & Judgment \(\text{WNL} \) Oruganie	
I) Interview Attitude WNL Copentine	
J) Current Suicidality None noted or stated.	_
K) Current Violence Risk \(\subseteq None noted or stated. \)	
<i></i>	
V. DSM IV Numerical - Transferring / Discharge / Provisional (Discussion, diagnostic certainty.)	
Axis I do Major Depression D/O, Recurrent	
30480 (Polysut Abuse M) alcahol	
Axis II 30-7 ASPD	
Axis III Heperleusine, Hip Problems	
Axis IV (current) SHY Ou Corlection	
Axis V GAF = (Discuss basis.)	
Discussion and Diagnostic Certainty:	
□ Dual Diagnosis	
CONDENSED MENTAL HEALTH ASSESSMENT LEVEL OF Last Name: First Name:	MI:

& TREATMENT SETTING TRANSFER & PAROLE/DISCHARGE FORM MH 4
Page: 3 of 5 [3/28/96]
Expand With MH Insert-a-Page Confidential Client/Patient Information See W & 1 Code, Section 5328

CARE

Brown Grygory

Inpatient

CDC #J-82-41

DOB 8/2665

State of California, Department of Corrections: N	C/S Region, Ser	vice Area =, li	nstitution = CSAT
MENTAL HEALTH TREATMENT PLAN: Sequent	tial Part One Identii	ler Number	Page 1 of 2
Original DUpdate Rejustification		☐ CCCMS An	nual Case Review
I. General Information: Arrival Date This Treatment Setting: 6/9/06 CCCMS EOP MHCB/Infirmary week observation. Anticipated Date of Transfer to GP: / / Custody Level: I/II/II/(IV)/ AdS/SHU	MH 6 C File		Today Date <u>6 29 06</u> Next Up Date <u>6 99 07</u>
9			
II. Print Treatment Team Members	Position	Telep	hone & Extension
B. Meeken PND	[T.T.Leader]	4	538
Mr Dean CCI			
III. Present Mental Status Date 6/13/06 By	E. Heeker	PhO Title	Staft Dsychology
A) Appearance DWNL			
B) Behavior WNL	Sp	eech DWNL	_
C) Mood EWNL Sleep OWNL	Appetite □WN	L Affe	ct ZWNL
D) Cognition:	1 00 -		
l) Fund of Information ZWNL			
2) Intellectual Functions WNL			
3) Organization of Thought 🕬 WNL			
4) Association of Thought WNL			
5) Reality Contact WWNL			
6) Thought Quality WNL			
E) Perception Disturbances (Hallucinations)	ione		
F) Thought Content (Delusions) (None			
G) Sensorium (Orientation, Memory, Attention,		TL .	
H) Insight & Judgment DWNL	V		
I) Interview Attitude XWNL			
J) Current Suicidality Anone noted or stated.			
K) Current Violence Risk None noted or stated			

MENTAL HEALTH	LEVEL OF	Last Name:	First Name:	MI:
TREATMENT PLANS,	CARE			
UPDATES, REJUSTIFICATION		Brown		
MH 2 [3/29/96]				
Part One: General, Team, MSE				
Diagnosis, Problems, Inmate Strengths	Inpatient			A 3
Part Two: Problem Pages Results				903
Use Insert-a-Page of MH 1	Outpatient	1 7-0	2 1/ 1	
Confidential Client/Patient Information		CDC # J. 82	<u> </u>	_//
See W & I Code, Section 5328				

Mental He	alth Treatmen	t Plan Part One:				Page 2 of 2
IV. DSM I	V Numerical	Last MSE//	Last TP	/_/_ MOH 1/_	_/_ Last MH 4	•
Axis I	371	Depression	n Ousvila	NO3		-
	,	<i>V</i>	- Ourie			****
Axis II	799.9	Deferred	<i>?</i>			
A TTT					_	
Axis III		Chronic	Nip Pour			
Axis IV		Chronic (current)	relation	•		
Axis V		GAF = 60 1	Describe basis.			
V. Proble	m/Symptom I	List				
#1	A. a delane					
#2	presition					
#3						
VI. Inmat	e's Strength an	nd Weakness, Goals	Inmate's	Treatment Goals,	MH 6 Input	
Ende	uanel					
			Treatment	Readiness: Amer	nable 🗌 Motivate	ed Resistant
VII. Disch	arge Plan To:	ØGP □CCCMS □	EOP MHCB	□DMH		
l.	le semas	ins Tom + 9	s free X	6 mths. f	(Mar)	
Signature	(s)		·at	1 2 Fre	/////	PhO
	MENTAL H		LEVEL OF	Last Name:	First Name:	MI:
UPI	TREATMEN' ATES, REJUS		CARE	Brown		
P _a	MH 2 [3/2 at One: Genera			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
Diagr	va vina a cintra como de la como d	Inmate Strengths	Inpatient			284
Cor	Use Insert-a-Pai nildential Client/Pa See W & I Code, S	ge of MH 1 tlent Information	Outpatient	cDC# <u>7.82</u>	2 41 DOB_	

State of California, Department of Corrections, Institution: CSP, Sacramento

MENTAL HEALTH TREATMENT PLA	N: Sequential Part One Identifier Number:	Page 1 of 3
	ejustification	CCCMS Annual Case Review
I. General Information:	By: Team Individual Clinici	
Arrival Date This Treatment Setting:	MH 6 C File Health Recor	rd 3/0/07-
□ CCCMS □ EOP	Unit Health Record MH 1	Next Up Date 3/8/07
□ CCCMS □ EOP □ MHCB/Infirmary □ PSU	☐ MH 4 ☐ Prior MH 2	
week observation		
Anticipated Date of Transfer to GP:		
Anticipated Date of Transfer to OI.		
Custody Level: I / II / III / IV / ASeg / SI	łU	
II. Print Treatment Team Members	Position	Telephone & Extension
M. Hillary, PhD	Clinical Psychologist	(916) 985-8610 x8410
M. Moghaddas, MD	Psychiatrist	x6535
J. Brown, PsyD	Clinical Psychologist	x8413
-A. Zimmer, LCSW-	Licensed Clinical Social Worker 0	- x615 9
Greer	CCI	x 6061
III Present Mental Status Date:	By: M. Hillary, P	PhD. Title: Clinical Psychologist
A) Appearance WNL mcb?	lity impaired vest, w	TO Bes
B) Behavior WNL	1114 Impacted the war, w	
Const. STATE	٨	
C) Mood WNLdepu	steep appetite	
Sleep WNL dov	s reep	
Appetite WNL do no	appetite	
Affect WNL		
D) Cognition:	WNL & Der 06 WNL & Prof & B WNL VP Sot	4+3+2=11 9-4=5 11world"
	WNL & Date	9 T3 T = 5
	WNL 915	72-1-0
	WNL Prop &	1100 -12 11
	WNL VP Sal	"dlrow"
	WNL WNL	
6) Thought Quality E) Perception Disturbances (Hallucina		
F) Thought Content (Delusions)	. None	
G) Sensorium (Orientation, Memory, A		
H) Insight & Judgment W		
I) Interview Attitude Wi		
	ne noted or stated none current	
	ne noted or stated by	
	, p	
MENTAL HEALTH	LEVEL OF	
TREATMENT PLANS,	CARE Last Name:	First Name:
UPDATES, REJUSTIFICATION	~	
MH 2 (10/20/99) Part One: General, Team, MSE	cccms Brown	(rejour
Diagnosis, Problems, Inmate Strengths	ASU Outpatient	0 0 () ~ [
Part Two: Problem Pages Results Use Insert-a-Page of MH 1	CCCMS ASU Outpatient CDC # Q 8224	DOB: 25
Confidential Client/Patient Information	CDC " } 8 324 9	, DOD. 0
SEE W & I Code, Section 5328		

Mental Health Treatment Plan Part One	<u>:</u>			Page 2 of 3
r IV. DSM IV Numerical Last M	ISE Last TP	МН 1	Last MH 4	
Axis I 311 Depus	sive Disora	du nos		·
Axis II 301.7 ASP]	>			
Axis III				
See UHR Axis IV CURRENT INCARCERATION	ON		(current)	
Axis V BASED ON CURRENT MEN	TAL STATUS EXAMINA	TION	GAF =	Describe basis
V. Problem/Symptom List				
#1 faces bilatual	hip replace	ments		
#2		-		
#3				
VI. Inmate's Strength and Weakness, G	Dals Inmate's	s Treatment Goals,	MH 6 Input	
PSYCH MEDS: no 4 meds par pt (moute llin	eatment Readiness:	Amenable Mot	ivated Resistant
VII. Discharge Plan To: GP 🔲	CCCMS [EOP [MF	HCB DMH		
EVENTUAL DISCHARGE TO GEN	ERAL POPULATION. CON	NTINUE CCCMS I	EVEL OF CARE.	
Signature(s) M. Hillary, PhD	MHillary &	PW /	· CM	
MENTAL HEALTH TREATMENT PLANS, UPDATES, REJUSTIFICATION MH 2 (10/20/99) Part One: General, Team, MSE Diagnosis, Problems, Inmate Strengths Part Two: Problem Pages Results Use Insert-a-Page of MH 1 Confidential Client/Patient Information	LEVEL OF CARE CCCMS ASU Outpatient CDC #	Brown	First Name: Gregory D	OOB:

Part Two: Problem Pages -- Results

Use Insert-a-Page of MH 1
Confidential Client/Patient Information
See W & I Code, Section 5328

. State of California, Department of					itution = <u>CSATF/SI</u>	
MENTAL HEALTH TREATMENT	PLAN: Sequen	fial Part O	ne Identifier Num	ber <u>0 1</u>	Page 1 of 2	
	ustification				ial Case Review	
I. General Information: Arrival Date This Treatment Setting: CCCMS	nary ation. / /	By: ☐ Team ☐ Individual Clinician ☐ MH 6 ☐ C File ☐ Health Record ☐ Unit Health Record ☐ MH 1 ☐ MH 4 ☐ Prior MH 2 € /29/56 ☐ MH 4 ☐ Prior MH 2 € /29/56 ☐ Today Date ☐ 5 / 16/07 ☐ Next Up Date ☐ 5 / 15 / 58				
II. Print Treatment Team Members		Position		Telephone	& Extension	
					2-7100 ext. 5533	
HR Formski, mg 1. Gonzaliz	-	Psy ch	object.	•	11	
1. Gonzaliz		CCI			Ÿ	
<i>5</i> -		·			í,	
III. Present Mental Status Date 5	15/2007	By E. 20	- Styneick, Pl	Title Pag	g cho logist	
A) Appearance WNL	ter					
B) Behavior 🖾 WNL			Speech 🖰 V	VNL		
D) Cognition: 2017-1 MNI 1) Fund of Information WNI	P □ WNL		Appetite WNL	Aff	ect WNL	
1) Fund of Information WNI 2) Intellectual Functions WNI 3) Organization of Thought WNI 4) Association of Thought WNI 5) Reality Contact WNI 6) Thought Quality WNI E) Perception Disturbances (Halluc	WNL NL inations) No			· .		
G) Sensorium (Orientation, Memory		ncentration	WNL and	ed impar		
H) Insight & Judgment []WNL			- OTTUR	a impair	-774-7	
I) Interview Attitude WNL				_		
J) Current Suicidality None note	d or stated.					
K) Current Violence Risk Anone n	oted or stated.			-		
MENTAL HEALTH TREATMENT PLANS,		'EL OF ARE	Last Name:	First Name:	MI:	
UPDATES, REJUSTIFICATIO MH 2 [3/29/96] Part One: General, Team, MSE	N CCC	: M5	BROWN,	GREGORY		

Outpatient

CDC # J - 82241 DOB 8 126,65

	Case 3:08-cv-03501	-MMMENTAL HEALTH TRI	FATMENIE PLAN/22/2	0 <u>08 Page 16</u>	60 of 160
Initia		BiWeekly MHCB Revie	w Quarte	leview	Annual Review
J. General	al Information t Setting	SATF Current Level	of Care: NONE OTHER	©ccws	430/08
*Arrival Da	ate This Treatment Setting:	Current Housi	ing: RC PGP	СТС	NEXT UPDATE
From: _	Corcoran	☐ ASU ☐	PSU SHU OT	HER:	4/29/08
	evel: I/ II / III (IV) AdSeg / S				
Date Revi	ewed: Initials: AL SUMMARY	Date:	Initials: Da	ite:	Initials:
Im	15 a 42 year	old AA male.	e a History	of majo	N Depression
F/m	is not currently	on 4 meds an	d symptoms	seem to	be
MODELL DOS III. PROB	ME. CAUTUSIA V SULP & MPC LEM LIST	mond-daily; (1)	nhama, ve ned keternal	to win	oncentration,
Number	Problem	Intervention/Clinician	Goal	Pro	ogress / Date
J	depression	1:10 cm xaodo	145/prn d	SX of der	PRISION From more than 3X
		1:10 YMD - 05	needed.		7000
		exercise, Per		2-3x/u	K
		Group Therapy			depression
IV PSYCI	HOTROPIC MEDICATION		<u> </u>	AND THE STATE OF	
Number	Problem/Target Symptom	Medication	Goal	The state of the s	ogress / Date
	None				
V. CURRE	ENT RISK FACTORS/BEHA	VIORAL ALERTS: S	uicidal Self Injur	ious 🔲 Assaul	tive
See Form	Dated	For [Detailed Description		
Summary:					
	MMENDED HOUSING:	☐ Single Cell ☐	to a construction of the second of the secon	No Recommendati	
VII. TRANS	SFER/DISCHARGE TO: 19	Non-MHSDS CCCMS [EOP MHCB	LAPP LE ICE	DTP Parole
INSTITUTION	OLYMICIAL DATE	8ULNAFE, PSY.D. H30/08	Name (Last,	First, MI), CDC Nur	mber, DOB
	TAL HEALTH TREATME CDCR 7388 (Rev. 06	i/06)	Brown	, Gregory	fr 288
	Page 1 of 6		J82241		8/26/65
STATE OF CAL	LIFORNIA		DEPART	TMENT OF CORRECTION	NS AND REHABILITATION